

MONTANA LEGISLATIVE HISTORY

BEST COPY
AVAILABLEChapter 627 1983Bill H 377 S _____ Original bill & history CH. Committee on Fish & GameHearing Date(s) Feb 01 ✓ CFeb 10 ✓ C

_____ C

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Date Out Feb 10 ✓ CS. Committee on Fish & GameHearing Date(s) Mar 19 ✓ CMar 22 ✓ C

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Mar 22 ✓ CDid this bill originate in an interim committee? Yes No

Committee _____

Report _____

Note: A Free Conference Committee was appointed, but its minutes were not recorded.

FREE CONFERENCE COMMITTEE APPOINTED: 4/8/83

FREE CONFERENCE COMMITTEE REPORT: 4/9/83

HOUSE

2ND READING: 04/12/83, ADOPTED AYES: 84; NAYS: 8
3RD READING: 04/13/83, ADOPTED AYES: 85; NAYS: 12

SENATE

2ND READING: 04/15/83, BE ADOPTED AYES: 49; NAYS: 0
3RD READING: 04/16/83, BE ADOPTED AYES: 48; NAYS: 0

TRANSMITTED TO GOVERNOR: 04/21/83

SIGNED: 4/26/83, CHAPTER 627

HB 378 -- BRAND, MENAHAN, DAILY, ET AL. -- TO EXTEND THE VETERANS' APPOINTMENT AND EMPLOYMENT PREFERENCE TO REAPPOINTMENT AND CONTINUED EMPLOYMENT; AMENDING SECTION...

INTRODUCED: 01/19/83

REFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS: 01/19/83

HEARING: 1/28/83

DIED IN COMMITTEE

HB 379 -- BRAND, DAILY, MENAHAN, ET AL. -- TO REQUIRE THE ATTORNEY GENERAL TO PREPARE INSTRUCTIONS ON HOW TO PROBATE A WILL OR SETTLE AN ESTATE, TO PREPARE FORMS NECESSARY TO PROBATE A WILL AND ADMINISTER AN ESTATE, AND TO DISTRIBUTE THE INSTRUCTIONS AND FORMS TO THE PUBLIC.

INTRODUCED: 01/19/83

REFERRED TO COMMITTEE ON JUDICIARY: 01/19/83

HEARING: 1/28/83

REPORT: 02/07/83, DO NOT PASS

BILL KILLED: 02/08/83

HB 380 -- SWITZER, IVERSON, DEVLIN, ET AL. -- TO REPEAL THE METALLIFEROUS MINES LICENSE TAX; AMENDING SECTION ...; AND REPEALING SECTIONS

INTRODUCED: 01/19/83

REFERRED TO COMMITTEE ON TAXATION: 01/19/83

HEARING: 1/27/83

REPORT: 03/11/83, DO NOT PASS

BILL KILLED: 03/14/83

HB 381 -- HANNAH, FAGG, CURTISS, ET AL. -- TO ADOPT THE EXCLUSIONARY RULE EXCEPTION OF REASONABLE GOOD FAITH BELIEF IN THE LEGALITY OF A SEARCH AND SEIZURE; AMENDING SECTIONS ...; AND PROVIDING AN EFFECTIVE DATE.

INTRODUCED: 01/19/83

REFERRED TO COMMITTEE ON JUDICIARY: 01/19/83

HEARING: 2/8/83

DIED IN COMMITTEE

HB 382 -- HANNAH, FAGG, CURTISS, ET AL. -- TO REPEAL THE EXCLUSIONARY RULE: PROVIDING A CIVIL REMEDY FOR VIOLATION OF A PERSON'S CONSTITUTIONAL PRIVACY RIGHTS OR SEARCH AND SEIZURE RIGHTS; REQUIRING SUSPENSION OR DISMISSAL FROM EMPLOYMENT OF AN AGENT OF THE STATE OR A POLITICAL SUBDIVISION THEREOF WHO WRONGFULLY VIOLATES A PERSON'S CONSTITUTIONAL PRIVACY RIGHTS OR SEARCH AND SEIZURE RIGHTS; AMENDING SECTIONS ...

REFERRED TO COMMITTEE ON JUDICIARY: 01/19/83

HEARING: 1/26/83

REPORT: 02/03/83, DO PASS, AS AMENDED

2ND READING: 02/07/83, DO PASS, AS AMENDED AYES: 63; NAYS: 32

3RD READING: 02/10/83, DO PASS AYES: 71; NAYS: 26

TRANSMITTED TO SENATE: 2/10/83

REFERRED TO COMMITTEE ON JUDICIARY: 02/11/83

HEARING: 3/4/83

REPORT: 03/21/83, BE CONCURRED IN, AS AMENDED

2ND READING: 3/23/83 AYES: 50; NAYS: 0

3RD READING: 03/25/83 AYES: 45; NAYS: 4

RETURNED TO HOUSE WITH AMENDMENTS: 03/25/83

2ND READING: 03/31/83, BE NOT CONCURRED IN AYES: 78; NAYS: 8

CONFERENCE COMMITTEE APPOINTED: 03/31/83

CONFERENCE COMMITTEE DISSOLVED: 4/8/83

FREE CONFERENCE COMMITTEE APPOINTED: 4/8/83

FREE CONFERENCE COMMITTEE REPORT: 4/12/83

HOUSE

2ND READING: 04/13/83, ADOPTED AYES: 89; NAYS: 4

3RD READING: 04/14/83, ADOPTED AYES: 89; NAYS: 3

SENATE

2ND READING: 04/16/83, BE ADOPTED AYES: 48; NAYS: 0

3RD READING: 04/18/83, BE ADOPTED AYES: 50; NAYS: 0

TRANSMITTED TO GOVERNOR: 04/21/83

SIGNED: 4/25/83, CHAPTER 616

377 -- FABREGA, CRIPPEN, KEMMIS, ET AL. -- TO PROVIDE FUNDS FOR THE PRESERVATION AND MANAGEMENT OF NONGAME WILDLIFE IN MONTANA; AMENDING SECTION ...

INTRODUCED: 01/19/83

REFERRED TO COMMITTEE ON FISH & GAME: 01/19/83

HEARING: 2/1/83

REPORT: 02/10/83, DO PASS, AS AMENDED

2ND READING: 02/14/83, DO PASS AYES: 59; NAYS: 38

3RD READING: 02/16/83, DO PASS AYES: 60; NAYS: 39

TRANSMITTED TO SENATE: 2/16/83

REFERRED TO COMMITTEE ON FISH & GAME: 02/17/83

HEARING: 3/19/83

MINORITY REPORT: 3/24/83, BE CONCURRED IN, AS AMENDED. REPORT ADOPTED BY

THE FOLLOWING VOTE: AYES: 25; NAYS: 23.

2ND READING: 03/26/83, BE CONCURRED IN, AS AMENDED AYES: 48; NAYS: 0

3RD READING: 03/28/83 AYES: 38; NAYS: 8

RETURNED TO HOUSE WITH AMENDMENTS: 3/28/83

2ND READING: 04/01/83, BE NOT CONCURRED IN AYES: 68; NAYS: 19

CONFERENCE COMMITTEE APPOINTED: 04/01/83

CONFERENCE COMMITTEE DISSOLVED: 4/7/83

1 *J. Jensen* *House* *Bill No. 377* *Ryan*
 2 INTRODUCED BY *Barbara Miller* *Senator* *McCormick* *Senator* *McCormick* *Senator* *McCormick* *Senator* *McCormick*
 3 *Barbara Miller* *Senator* *McCormick* *Senator* *McCormick* *Senator* *McCormick* *Senator* *McCormick*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FUNDS FOR
 5 THE PRESERVATION AND MANAGEMENT OF NONGAME WILDLIFE IN
 6 MONTANA; AMENDING SECTION 87-5-102, MCA." *Don Hagan* *Senator* *McCormick* *Senator* *McCormick* *Senator* *McCormick* *Senator* *McCormick*
 7 *J. Brown* *Im* *Nelson*
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: *Tunney*

9 Section 1. Section 87-5-102, MCA, is amended to read:
 10 "87-5-102. Definitions. As used in this part, the
 11 following definitions apply:

12 (1) "Account" means the nongame wildlife account
 13 established in [section 2].

14 ~~(1)(2)~~ "Ecosystem" means a system of living organisms
 15 and their environment, each influencing the existence of the
 16 other and both necessary for the maintenance of life.

17 ~~(2)(2)~~ "Endangered species" means any species or
 18 subspecies of wildlife actively threatened with extinction
 19 due to any of the following factors:

20 (a) the destruction, drastic modification, or severe
 21 curtailment of its habitat;

22 (b) its overutilization for scientific, commercial, or
 23 sporting purposes;

24 (c) the effect on it of disease, pollution, or
 25 predation;

1 (d) other natural or man-made factors affecting its
 2 prospects of survival or recruitment within the state; or
 3 (e) any combination of the foregoing factors.

4 ~~(3)(4)~~ "Management" means the collection and
 5 application of biological information for the purposes of
 6 increasing the number of individuals within species and
 7 populations of wildlife up to the optimum carrying capacity
 8 of their habitat and maintaining such levels. The term
 9 includes the entire range of activities that constitute a
 10 modern scientific resource program including but not limited
 11 to research, census, law enforcement, habitat acquisition
 12 and improvement, and education. Also included within the
 13 term, when and where appropriate, is the periodic or total
 14 protection of species or populations as well as regulated
 15 taking.

16 ~~(4)(5)~~ "Nongame wildlife" means any wild mammal, bird,
 17 amphibian, reptile, fish, mollusk, crustacean, or other wild
 18 animal not otherwise legally classified by statute or
 19 regulation of this state. Animals designated by statute or
 20 regulation of this state as predatory in nature are not
 21 classified as nongame wildlife for purposes of this part.

22 ~~(5)(6)~~ "Optimum carrying capacity" means that point at
 23 which a given habitat can support healthy populations of
 24 wildlife species, having regard to the total ecosystem,
 25 without diminishing the ability of the habitat to continue

1 that function.

2 ~~(6)(7)~~ "Person" means any individual, firm,

3 corporation, association, or partnership.

4 ~~(7)(8)~~ "Take" means to harass, hunt, capture, or kill

5 or attempt to harass, hunt, capture, or kill wildlife.

6 ~~(8)(9)~~ "Wildlife" means any wild mammal, bird,

7 reptile, amphibian, fish, mollusk, crustacean, or other wild

8 animal or any part, product, egg, or offspring or the dead

9 body or parts thereof."

10 NEW SECTION. Section 2. Nongame wildlife account. (1)

11 There is a nongame wildlife account in the earmarked revenue

12 fund provided for in 17-2-102.

13 (2) All money collected under [section 3] must be

14 deposited in the account.

15 (3) Money in the account must be used by the

16 department to provide adequate funding for the protection,

17 preservation, and propagation of the nongame wildlife of

18 Montana. The money is available to the department in the

19 same manner as provided in 87-1-601. Money derived from tax

20 checkoff contributions to the account is supplemental to any

21 other funding for nongame wildlife management and may not be

22 used to replace money that would otherwise be appropriated

23 for nongame wildlife management.

24 NEW SECTION. Section 3. Voluntary checkoff for

25 nongame wildlife management. (1) Each individual taxpayer

1 who is required to file an income tax return under Title 15,

2 chapter 30, and who is entitled to a refund may contribute

3 to the funding of management of nongame wildlife in Montana

4 by marking the appropriate box on the state income tax

5 return.

6 (2) The department of revenue shall include on each

7 Montana state individual income tax return form a clear and

8 conspicuous provision by which the taxpayer may indicate a

9 contribution to nongame wildlife management from the

10 taxpayer's refunded amount. The provision shall be in

11 substantially the following form:

12 Montana nongame wildlife funding. Check the appropriate

13 blank if you wish to designate ___\$2, ___\$5, or ___\$10 of

14 your tax refund to fund the management of nongame wildlife

15 in Montana. If a joint return, check the appropriate blank

16 if your spouse wishes to designate ___\$2, ___\$5, or ___\$10

17 for the same purpose.

18 (3) Money received under this section must be

19 deposited in the nongame wildlife account established by

20 [section 2].

21 NEW SECTION. Section 4. Report. The department shall

22 report to the 49th legislature the results of any program

23 using money from the nongame wildlife account and shall list

24 in detail how the money collected was used.

25 NEW SECTION. Section 5. Codification instruction. (1)

1 Section 2 is intended to be codified as an integral part of
2 Title 87, chapter 5, part 1, and the provisions of Title 87,
3 chapter 5, part 1, apply to section 2.

4 (2) Section 3 is intended to be codified as an
5 integral part of Title 15, chapter 30, part 1, and the
6 provisions of Title 15, chapter 30, apply to section 3.

-End-

STATE OF MONTANA

REQUEST NO. 188-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 21, 19 83, there is hereby submitted a Fiscal Note
House Bill 377 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members
of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 377 proposes to fund a nongame wildlife management program in the Department
of Fish, Wildlife, and Parks with taxpayer contributions of refunded income tax.

ASSUMPTIONS:

- 1) The state of Colorado and Oregon maintains a nongame wildlife management program similar to that proposed in this legislation. Taxpayer contributions provide funding for each program. We are assuming that Montana taxpayers would contribute to a nongame wildlife management program an amount proportional, based upon population to that received in Colorado and Oregon for a similar purpose.
- 2) Funding would not be available for expenditure until FY 1985 (from 1983 income tax returns filed in 1984).

FISCAL IMPACT:REVENUE:

The Department of Fish, Wildlife and Parks estimates that approximately \$100,000 to \$180,400 would be received from taxpayer contributions and available for expenditure in FY 1985.

EXPENDITURES:

The Department of Revenue estimates increased expenditures for forms, instructions, administration and data processing amounting to \$9,638 in FY 84 and \$6,238 in FY 85.

FISCAL NOTE 6:W/1

David M. Lewis

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-26-83

HOUSE FISH AND GAME COMMITTEE

February 1, 1983

The meeting was called to order by Chairman Les Nilson in room 420 of the Capitol Building at 12:30 p.m., with all members present.

Chairman Nilson opened the meeting to a hearing on House Bills: 377, 402, and 425.

REPRESENTATIVE JAY FABREGA, District 44, Great Falls, said there is a nongame wildlife account in the earmarked revenue account. 17-2-102, the section that addresses all of the earmarked accounts and things like the general fund monies, and university monies. Everything that is earmarked is covered by that section. All money collected under Section 3 must be deposited in the account. Money in the account must be used by the department to provide adequate funding for the protection, preservation, and propagation of nongame wildlife in Montana. The money is available to the department in the same manner as is provided in 87-1-601. This is a general section of finance for fish and game. Money derived from taxpayer contributions in the account is supplemental to any other funding for nongame wildlife management and may not be used to replace money that would otherwise be used or appropriated for nongame wildlife management. At the present time, the program is being funded by a portion of the license being collected from sports licenses for fishing, hunting, etc. We are having one group of citizens that buy a license for one purpose, supporting a program that has nothing to do with the particular license. There is a group of citizens that I am speaking for today, that would like to voluntarily pay a tax to fund this particular endeavor, which is already in the statutes under section 97-5-104, MCA. This section says the department shall conduct investigations for nongame wildlife in order to develop information relating to population, distribution, habitat needs, limiting factors, and other biological and ecological data to determine management measures necessary to maintain the ability to sustain themselves successfully. By funding this program, which in fact is already being funded, we are offering a different method of funding. 87-5-105, states the department may from time to time amend such regulations on the approval of the legislature by adding or deleting therefrom, species or subspecies of nongame wildlife. There is no way that you can take an animal that is now classified as nongame and make it an endangered species without a bill approved by the legislature. The second issue of this bill is the checkoff. This is a way for those citizens who would like to contribute to this fund. Other states, such as Colorado, Utah, Idaho, and Kansas, give that option to taxpayers who are interested in the nongame animals in their states. For information concerning this checkoff process, (see exhibit 1). The checkoff is a rational

HOUSE FISH AND GAME COMMITTEE

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means by which taxpayers can make an additional tax contribution for a specific purpose. As it stands now, the very wealthy can make a contribution, but the average citizen that can afford \$5 or \$10, cannot do so on a voluntary basis. Unless you have an organized program mechanized for bulk, it's just not feasible for the department to receive checks and try to process them. There has to be an account set off. This account is the first issue of this bill. It allows them to receive those funds and hold them until the next session of the legislature appropriates them. The income tax checkoff is now used in 20 states, so I think it's a legitimate function of government to address the desire of the citizens of the state. I also believe it has a great deal of value as it relates to the tourist industry. A lot of people in other parts of the country are interested in eyewitnessing a bird or animal. It is necessary to determine where those animals exist in Montana and to provide guides for tourists that have a genuine interest in the small creatures of nature.

PROPONENTS

JIM FLYNN, Department of Fish, Wildlife, and Parks, submitted written testimony to the committee. (see exhibit 2)

JIM RICHARDS, Montana Wildlife Federation, said we feel there is probably a mutual benefit to game and sportsmen. A source of funding is volunteered to enhance a program which already exists, certainly makes sense to us and would be compatible with our goals.

MARTHA HASSEL, Montana Audubon Council, spoke in behalf of Harriet Marble, Montana Audubon Council President. Written copies of her testimony were submitted. (see exhibit 3)

SENATOR BRUCE D. CRIPPEN, Senate District 33, Billings, said this is important for our state. We are the last of the natural frontier. I think we need to strengthen funding for the game program.

JANET ELLIS, Montana Audubon Council, passed out copies of her testimony and submitted additional information concerning non-game wildlife and endangered species. (see exhibits 4 and 5)

CHAROLETTE HENSON, Helena, said I would like to propose a revision so that the checkoff system could also include a checkoff for money to be added to the income tax statement.

BYRON WEBER, said I have turned a lot of kids on to nongame, studying nature, and values associated with this. I can't

HOUSE FISH AND GAME COMMITTEE
February 1, 1983, page 3

imagine how the State of Montana could turn it's head to these 600 species. We have to deal with this, we are talking about money for basic research. We have to understand what is going on in the state biologically. You can set precedent for legislatures 50 to 100 years from now.

LOUISE BRUCE, Montana Audubon Council, read a letter from Louis Vero, Greenough, MT. (see exhibit 6)

MERLE ROGNRUD, Montana Chapter of The Wildlife Society, submitted written testimony. (see exhibit 7)

LUCI BRIEGER, Montana Conservation Congress, said our group unanimously endorses this bill. I have submitted a list of environmental groups and working people and a summary of the wildlife caucus report. (see exhibit 8) Members from these groups represent a broad base of support for this bill.

RANDY HOFF, University of Montana Student Chapter of The Wildlife Society, supplied the committee with written copies of his testimony. (see exhibit 9)

E. CARROLL SPECK, Whitehall, said I support the nongame bill. I have about 50 wild ducks, 14 to 15 wild geese, and 50 wood ducks. It is one of the things we citizens can do to support nongame animals without direct taxation.

LARRY COPENHAVER, Great Falls went on record in support of House Bill 377.

WILBUR REHMANN, Helena, submitted a written copy of his concerns as a hunter, angler, conservationist, and private landowner. (see exhibit 10)

Other proponents present to state their support of House Bill 377, were Joe Murphy, Missouri River Chapter, Trout Unlimited, Dave Cole, Prickly Pear Sportsman's Association, representing 175 hunters and fishermen. Rep. Jim Jensen, who wished to second everything stated by Senator Crippen.

OPPONENTS

JO BRUNNER, Women Involved in Farm Economics, presented the committee with a packet of information explaining the views of her group in opposition to House Bill 377. (see exhibit 11)

FRANKLIN GROSSFIELD, Big Timber, stood in opposition to the bill and presented written copies of his testimony. (see exhibit 12).

HOUSE FISH AND GAME COMMITTEE MINUTES
February 1, 1983, page 4

LORRAINE GILLIES, Montana Farm Bureau, submitted written copies of her testimony. (see exhibit 13)

ED GRADY, Montana Farm Bureau, said I represent landowners. We are the ones that will suffer the burden of this program. We are in this business to make a living. We don't own all of the land in Montana, but a lot of these animals don't stay on public lands all year around. Ranchers and farmers are trying to make a living. We have enough burdens today. There is not anything in this bill to protect us. Nature has been doing a good job until now. Most of these nongame animals aren't creating a problem now, but if you start funding a program to protect them, you will force more problems and expense down the road. This program will take money from other funds.

WILL BROOK, Montana Stockgrowers and Cowbells, Montana Grazing Association, submitted written testimony and an article concerning the addition of fur bearers to the list of nongame animals. (see exhibit 14)

JOE HELLE, Montana Wool Growers Association, said there was a survey taken in 1980 on fish and game matters. The ratio of public opinion concerning nongame was 4 to 1 against the issue. This was a Montana Outdoor Recreation Survey. Mr. Helle submitted for the information of the committee, THE MONTANA OUTDOOR RECREATION SURVEY, and an article entitled "Wold emerging as a nongame controversy". (see exhibit 15)

KEN HOOVESTOL, Montana Snowmobile Association, stated this bill presents a possible means for land closures and for restrictions on outdoor recreation.

JOHN CONORS, Montana Cattlefeeder's Association, presented written comments in opposition to House Bill 377. (see exhibit 16)

Other proponents who wished to go on record as opposing House Bill 377, were Robert Bushnell, Montana Snowmobile Association, All Kingston, Don Alan, Peter Jackson.

Questions from committee. Rep. Jensen asked Joe Helle if the indication that Montanans had responded 4 to 1 against the non-game programs is correct. The response was yes, it is.

Rep. Jensen said on the last page of the document you passed out, it says respondents also opposed by a ratio of about 4 to 1, increased emphasis on, and funding of the nongame wildlife program. Could you tell me the way in which the question was asked, and if in fact it implied state general revenue, license fee revenues, or voluntary checkoff. Mr. Helle replied that

HOUSE FISH AND GAME COMMITTEE MINUTES

Februray 1, 1983, page 5

survey was conducted by the University of Montana for the Fish, Wildlife, and Parks Department.

Rep. Jensen asked Ms. Bruner about her indicated concern over the limitations this bill would place over landowners or other agencies to deal with rabid bats. Are you telling this committee the bill would overrule the responsibility of the Department of Health to control rabid animals? The response was no, I was just using that as an example.

Rep. Jensen said in your testimony, you referred to two sightings of endangered species which you said were false sightings. Can you tell me how you make a determination between a false and a true sighting? Ms. Bruner replied information was released concerning the wolf that was supposedly sighted, and a letter came out from the Bureau of Land Management telling the administrators of the land in that area that the wolves could not be killed or hunted by any manner except through the department. Another letter later stated it had not been an actual sighting.

Rep. Fabrega closed by saying the opponents to this bill aren't against the bill itself, they are against the program in 1973. There is one way to approach this, and that is to repeal those sections. There are thousands of Montanans who would like to have a convenient opportunity to fund this program.

Rep. Devlin asked Mr. Flynn if any of this money would be used for land acquisition. The answer was I guess if the legislature authorized land acquisition we could, but I would strongly suspect that the chances of it being used for this purpose would be remote at best.

The hearing on House Bill 377 was closed at 1:50 p.m.

HOUSE BILL 402

REPRESENTATIVE RALPH EUDAILY, District 100, Missoula, opened by reading the title of the bill, in explanation. "This bill is an act raising the exception age for fishing and for hunting game birds; eleminating the requirement for disabled persons to have a disability certificate from a medical doctor to qualify for license exception; authorizing the Department of Fish, Wildlife, and Parks to determine disability requirements by rule; establishing half-price license fees for youths 12 years through 14 years of age; and lowering the age at which a youth must purchase a license". This bill is an act revising the exception age. I have four grandsons who would fit into this category, and I am a senior citizen. This doesn't seem very detrimental for either group. I have a statement of intent that was prepared for the bill. (see exhibit 17)

VISITOR'S REGISTER

HOUSE Just and Same

COMMITTEE

BILL 377DATE Feb. 1SPONSOR Fabrega

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
MERLE ROGNRUD	Helena	Mont. Chapt. Wildl. Soc	X	
Brenda Schye	Glasgow	Self		
FLYNN	HELENA	DEPI FWP	X	
Koranne Gillies	Philipsburg	Mont. Farm Bureau		X
Ed. G. ...	Conroy's Creek	Mont. Farm Bureau		X
J. ...	Helena	W. I. F. E.		X
Joe Helle	Montana Wool Growers Ass	Dillon, Mont.		X
Luci Brieger	Helena	MT. Conservation Congress	✓	
Janet Ellis	Helena	MT Audubon Council	✓	
Louise Bruce	Helena	MT Audubon Council	✓	
Dave Cole	East Helena	Prickly Pear Sportsmen's Assn.	X	
Jim ...	E. Hel	Mont. V. Fed	X	
E. Carroll Spack	Whitchell Box 2045 RR 2	Self	X	
Ken Hueston	G. Falls	MT. Snowmobile Assn.		X
Bob Gilbert	Helena	MT Woolgrowers Assn		X
Bill Asher	Bozeman	APA - POLA - EPA		X
Tom Englund	Helena	Self	X	
Camy B. ...	Helena	Self	X	
John Carter	Billings	MT. CATTLE FEDER	X	
Charlotte ...	Helena	Self	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

(over)

AB 377

Glenn Phillips	Kalispell	MT Logging Assoc. - Oppose
Will Brooke	Helena	MT Grazing Dist. OPPOSE
Wilbur Rehmann	Helena	Self for
Joe Murphy	Helena	Missouri River Chapter - Trout Unlimited For
Robert Bushnell	Helena	MT Smelter Assoc
Kenneth Morrison	Helena	Dept. of Revenue
Franklin Crossfield	Big Timber	Rancher oppose
Teddy Thompson	"	" oppose
Pat Nichols	Helena	Last Chance Audubon FOR
Glenda Bladshaw	"	" " " FOR
Sue Jackson	"	" " " FOR
Pat Torgerson	Lambert	Farmer oppose
William E. Clausen	HELENA	SELF FOR
Kathy Reese	Lambert	Farm Oppose!
Ken Torgerson	Lambert	Farm oppose
Danald Clayton	Helena	
Ray Cooper	Helena	Upper Mts. Br. Rail. Soc For

For the year January 1-December 31, 1982

First Name(s) and Initial(s)		Last Name		Your Social Security Number		Do Not Write in This Space	
Home Address (Number and Street or Rural Route)			School District No.		Spouse's Social Security Number		
City, Town or Post Office, and State			Zip Code		County		
YOUR TELEPHONE NUMBER			TELEPHONE NUMBER--The number you furnish will be confidential and should be the one at which you can be reached during our office hours.				For Office Use Only

Filing Status (Check ONE)

1. ☐ Single
2. ☐ Married filing joint return (Even if only one had income)
3. ☐ Married filing separately. Give spouse's name and social security number _____
4. ☐ Unmarried head of household

Exemptions

- 5a. Number of exemptions on your 1982 federal return _____
- 5b. If line 4 is checked, add one exemption _____
- 5c. Total (Add lines 5a & 5b) _____

NOTE: YOU MUST ATTACH A COPY OF YOUR FEDERAL RETURN AND SUPPORTING SCHEDULES TO THIS RETURN.

INCOME

6. Federal adjusted gross income (Kansas adjusted gross income) _____

TAX AND CREDIT

7. TAX (Table A, B, C, or D) _____

8. Kansas income tax withheld (Attach Kansas copies Form W-2) _____

BALANCE DUE OR REFUND

9. BALANCE DUE (If line 7 is greater than line 8) Interest [Q] _____ Penalty [R] _____

10. REFUND (If line 8 is greater than line 7) _____

11. KANSAS NON-GAME WILDLIFE IMPROVEMENT PROGRAM. Check if you wish to donate, in addition to your tax liability, () \$1, () \$5, () \$10 or () \$_____ or designate () \$1, () \$5, () \$10 or () \$_____ of your tax refund for this program. If joint return, check if spouse wishes to donate or designate () \$1, () \$5, () \$10 or () \$_____. Enter total on line 11.

[W] Total Wildlife Contribution

I declare under the penalties of perjury that to the best of my knowledge and belief this is a true, correct, and complete return.

For Office Use Only

sign
are

(Signature of taxpayer)

(Date)

(Signature of preparer other than taxpayer)

(If joint return, BOTH husband and wife must sign even if only one had income.)

(Date)

(Address)

DO YOU WISH TO RECEIVE AN INCOME TAX BOOKLET NEXT YEAR? (SEE INSTRUCTIONS) ☐ Yes ☐ No

MAIL THIS RETURN TO: KANSAS INCOME TAX, TOPEKA, KANSAS 66699

WHO MAY FILE FORM 40A:

Form 40A has been designed for those individuals who have income from salaries, wages, interest, and/or dividends. It is to be used by those individuals who are filing as Kansas residents ONLY.

To assist you in determining if you should file the short form 40A, the following questions have been prepared. If you answer "YES" to any ONE of the questions you must use form 40.

- | 1. Filing Status— | Yes | No |
|---|--------------------------|--------------------------|
| ■ If you are filing as single, married filing separately or head of household— | | |
| Is your income more than \$20,000? | ☐ | ☐ |
| Are you claiming more than 9 exemptions? | ☐ | ☐ |
| (4 exemptions—single)? | ☐ | ☐ |
| ■ If you are filing a joint return— | | |
| Is your income more than \$40,000? | ☐ | ☐ |
| Are you claiming more than 9 exemptions? | ☐ | ☐ |
| 2. Did you file as a qualifying widow(er) on your federal return? | ☐ | ☐ |
| 3. Do you have any modifications to your federal adjusted gross income? | ☐ | ☐ |
| 4. Will you itemize your deductions? | ☐ | ☐ |
| 5. Did you have any income other than salaries and wages, interest and dividends? | ☐ | ☐ |
| 6. Will you claim credit for Kansas estimated tax paid? | ☐ | ☐ |
| 7. Did you or your spouse earn income in a state other than Kansas? | ☐ | ☐ |
| 8. Will you claim any of the following Kansas credits? | ☐ | ☐ |
| Such as: | | |
| Income taxes paid to other states | | |
| 337 Liquidation credit | | |
| Business and job development | | |
| Solar energy credit | | |
| Handicapped accessibility | | |
| Child or dependent care expenses | | |
| Military retirement credit | | |
| 9. Did you use "income averaging" on your federal return? | ☐ | ☐ |
| 10. Did you claim any credits against your federal income tax liability? | ☐ | ☐ |
| Such as: | | |
| Earned income credit | | |
| Credit for contributions to candidates for public office | | |
| Credit for the elderly | | |
| Investment credit | | |
| Targeted jobs credit | | |
| Residential energy credit | | |
| Credit for child and dependent care expenses | | |

If you answered "No" to all of these questions, you may use the form 40A. But if you answered "Yes" to any ONE of the questions, you must use form 40.

HEADING: If you have received a form booklet with a pre-addressed gummed label, please remove the label from the booklet

cover and place it on form 40A in the space provided. If it is incorrect, please make any necessary corrections directly on the label. If you did not receive a form with a pre-addressed label, please type or print your name, address, social security number, school district number, and county in the spaces provided. Your school district number may be found on the school district list (pages 17 and 18).

LINES 1, 2, 3, AND 4—FILING STATUS: The filing status Kansas is the same as that claimed on the federal income tax return.

LINE 5a-c—EXEMPTIONS: You are entitled to the same number of exemptions as claimed on your federal income tax return. Enter the number of exemptions claimed on your 1982 federal return on line 5a. If you are filing as "Unmarried Head of Household" for Kansas, enter 1 exemption on line 5b. Add lines 5a and 5b and enter the total number of exemptions claimed in the box provided on line 5c.

LINE 6—FEDERAL ADJUSTED GROSS INCOME: Enter on line 6 your federal adjusted gross income reported on your 1982 federal income tax return. This figure is also your Kansas adjusted gross income for use on form 40A. Your tax liability will be based on this figure.

LINE 7—TAX: Enter on line 7 the amount of your tax, determined from the appropriate tax table (Tax Table A, B, C or D).

LINE 8—KANSAS INCOME TAX WITHHELD: Enter on line 8 the total amount of Kansas income tax withheld. Supporting forms W-2's or K-2's must be attached to your return or this credit will not be allowed.

LINE 9—BALANCE DUE: If line 7 is greater than line 8, enter the balance due on line 9.

INTEREST: If you filed your Kansas return after the due date compute the interest at the rate of 1½% per month on the amount of balance due. Enter the amount of interest in the space provided on line 9.

PENALTY: If the return was filed after the due date but within 60 days of the due date, compute the penalty at 10% of the amount of balance due. If the return was filed after 60 days beyond the due date calculate the penalty at 25% of the amount of the balance due. Enter the amount of penalty in the space provided on line 9. An approved extension of time relieves the taxpayer of the penalty but not the interest. Total the interest, penalty and balance due and enter this amount on line 9.

LINE 10—REFUND: If line 8 is greater than line 7 enter refund on line 10.

LINE 11—TOTAL WILDLIFE CONTRIBUTIONS: Enter on line 11 the total wildlife contribution made by you or you and your spouse. An refund on line 10 will be reduced by the amount designated for the nongame wildlife improvement program. If your refund claim is decreased upon examination by the Department of Revenue, the wildlife contribution will be reduced by that amount. If your refund is increased upon examination by the Department of Revenue, the total wildlife contribution will remain the same.

You may contribute amounts to the nongame wildlife improvement program in addition to your balance due (line 9), or in addition to your expected refund (line 10). Such additional amount, together with an tax payment, should be remitted by check or money order made payable to "Kansas Income Tax".

Please write your social security number on your check or money order. This will help to insure that your payment is credited to the correct account.

SIGNATURE: You must sign your income tax return. An unsigned return can not be processed. On a joint return, both husband and wife must sign, even if only one has income. A properly signed and completed return requesting a refund is your claim for a refund and further action is necessary. If the return is prepared by someone other than the taxpayer, the return should also be signed by the preparer.

Do you wish to receive an income tax booklet next year? If your return is prepared by a tax practitioner you may not need to receive tax booklet next year. Many practitioners maintain a supply of tax forms. Please check with your practitioner before you mark the "NO" box. Marking the "NO" box does not relieve the taxpayer of their Kansas income tax filing responsibility.

UTAH RESIDENT LONG FORM
INDIVIDUAL INCOME TAX RETURN

UTAH

1982

FORM TC-40

For the year ending December 31, 1982, or other taxable year

beginning _____, 19____, ending _____, 19____

Exhibit 7 H33

Use label, otherwise type or print in black or blue ink	Name (if joint return, give first names and initials of both)	Last Name	Your social security number	
	Present home address (Number and street including apartment number, or rural route)		Spouse's social security number	
	City, town or post office	County	State and ZIP Code	Telephone No.
	Occupation		Yours	
	Spouse's			

Read instructions on page 3 to see if you can use the short form (TC-40S). If you do not qualify to use the short form, you must use this form.

1. FILING STATUS — Check only one A. ☐ Single, except head of household B. ☐ Head of Household — Enter qualifying name C. ☐ Married filing joint return D. ☐ Married filing separately. Give spouse's social security number in heading above and enter spouse's full name here	2. EXEMPTIONS Regular 65 or over Blind Yourself ☐ ☐ ☐ Spouse ☐ ☐ ☐ Number of dependent children who lived with you 2B. _____ Number of other dependents 2C. _____ TOTAL EXEMPTIONS CLAIMED 2D. _____	Enter number of boxes checked 2A. _____ 2B. _____ 2C. _____ 2D. _____	3. ELECTION CAMPAIGN FUND — Check box indicating (1) party to which you wish to make a \$1.00 contribution or, (2) no contribution. Checking box will not increase tax or reduce refund. A. American ☐ Yourself ☐ Spouse ☐ B. Democrat ☐ ☐ C. Libertarian ☐ ☐ D. Republican ☐ ☐ E. No Contribution ☐ ☐
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4. Federal Return: (Check type of return filed. Attach complete copy with all schedules) ☐ Form 1040 ☐ Form 1040A ☐ 1040 EZ	5. Adjusted Gross Income (from Federal return - see instructions on page 4) 5
6. Deductions: Check type of deduction being used on state return - check only one ☐ (A). Itemized Deductions (amount shown on line 28 of Federal Schedule A) or ☐ (B). Standard Deduction (for single, married filing jointly and head of household: \$1,300.00 minimum or 15% of line 5 with a \$2,000.00 maximum. For married filing separately: \$650.00 minimum or 15% of line 5, with a \$1,000.00 maximum. Please read instructions for exceptions) 6	7. Exemptions (total exemptions claimed on line 2D times \$750.00) 7
8. Federal Income Tax Determined for the Same Period (see instructions for line 8) 8	9. Interest from U.S. Government Obligations (included in Federal adjusted gross income) 9
10. Retirement Income (complete Schedule B on back of form) 10	11. State Tax Refund (if included as income on Federal return) 11
12. Adoption Expenses and Other Deductions (see instructions; attach explanation) 12	13. Total Exemptions and Deductions (add lines 6 through 12) 13
14. Total Income Less Exemptions and Deductions (line 5 less line 13) 14	15. Add State Income Tax (claimed as an itemized deduction on Federal Schedule A) 15
16. Equitable, Lump Sum and Other Adjustments (see instructions; attach explanation) 16	17. Total Additions (add lines 15 and 16) 17
18. Total Utah Taxable Income (add lines 14 and 17) 18	

COMPUTE THE TAX ON AMOUNT ON LINE 18 PER TAX RATE SCHEDULE ON REVERSE OF FORM

19. Utah Income Tax (from Tax Rate Schedules on back of form) 19	20. Credit for Utah Income Tax withheld (attach withholding forms) 20
21. Credit for Income Taxes Paid to Another State (complete Schedule A on back of form) 21	22. Credit for Utah Income Tax Prepaid 22
23. Other Credits (complete Schedule C on back of form) 23	24. Total Credits (add lines 20 through 23) 24
25. Additional Tax Due - If line 19 is larger than 24, subtract line 24 from line 19 and enter balance - PAY THIS AMOUNT 25	26. Refund - If line 24 is larger than line 19, subtract line 19 from line 24 and enter balance 26
27. Utah Nongame Wildlife Fund. I wish to contribute ☐ \$1 ☐ \$5 ☐ \$10 or \$_____ (enter amount), or ☐ I do not wish to contribute. Enter contribution amount on line 27 at right. 27	28. Net Refund - subtract line 27 from line 26. This amount will be refunded to you. Please allow 90 days for processing 28

Send return and payment to: UTAH STATE TAX COMMISSION HEBER M. WELLS OFFICE BUILDING SALT LAKE CITY, UTAH 84134	29. Did you file a Utah return for 1981? ☐ YES ☐ NO If no, give reason _____	FOR OFFICIAL USE ONLY CODE _____ APPROVAL _____
---	---	--

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete. Declaration of preparer (other than taxpayer) is based on all information of which he has any knowledge.

SIGN HERE	_____ Your signature	_____ Date	_____ Preparer's signature (other than taxpayer)	_____ Date
	_____ Spouse's signature (if filing jointly BOTH must sign even if only one had income)		_____ Address (and ZIP code)	
			_____ Preparer's Emp. Ident. or Soc. Sec. No.	

RESIDENT LONG FORM

SCHEDULE A — CREDIT FOR INCOME TAX PAID TO ANOTHER STATE (see instruction for line 21)

1. Federal adjusted gross income (from line 5 of return)	1		
2. Federal adjusted gross income taxed in State of:	2		
3. Percent that other state gross income bears to total (line 2 divided by line 1, but not over 100%)	3		%
4. Utah income tax as computed on line 19 page 1	4		
5. Credit limitation (line 4 multiplied by % on line 3)	5		
6. Income tax paid to State of: (ATTACH COPY OF RETURN)	6		
7. Credit for income taxes paid to other state: (line 5 or 6, whichever is less) Enter here, and on line 21, on reverse side	7		

A SIGNED COPY OF THE RETURN FILED WITH THE OTHER STATE(S) MUST BE ATTACHED
BEFORE CREDIT FOR TAXES PAID TO ANOTHER STATE WILL BE ALLOWED

SCHEDULE B — LIST OF RETIREMENT INCOME included in Federal return (see instruction for line 10)

	a. Yourself	b. Spouse
1. Pension & Annuities (show name of employer who contributed to plan) Note: do not include benefits from Utah State Retirement System. See line 6 below.	\$	\$
2. Interest (limited to persons over 65)		
3. Dividends (limited to persons over 65)		
4. Net rental income (limited to persons over 65)		
5. Totals (not to exceed \$4,800 for each person under 65 or \$6,000 for each person 65 or over)		
6. Add benefits from Utah Retirement System Included in Federal Return		
7. Total Retirement Income (line 5 plus 6 for each column) Enter total of columns "a" and "b" on line 10 on front of form	\$	\$

Note: Income from joint ownership must be divided equally between you and your spouse.

However, a pension of one spouse may not be divided between both spouses.

SCHEDULE C — OTHER CREDITS (see instruction for line 23)

1. Mineral Production Withholding Tax Credit (attach forms 675R)	\$
2. Agricultural Off-highway Gas Tax Credit _____ gallons purchased x 11c	
3. Agricultural Off-highway Gasohol Tax Credit _____ gallons purchased x 6c	
4. Credit for Energy Systems Installation (attach Schedule TC-40E showing energy office approval)	
5. Credit to Beneficiary of Trust Receiving Accumulation Distribution (attach schedule showing computation, name and residency of trust and Federal Identification Number)	
6. Total of Other Credits - carry total of lines 1-5 to line 23 on front of return	\$

UTAH TAX RATE SCHEDULES

These schedules (a) and (b) are to be used to determine your income tax from your Utah taxable income

(a) FOR SINGLE TAXPAYER (except head of household) AND
FOR HUSBAND AND WIFE FILING SEPARATE RETURNS:

If the state taxable income is	The tax is
Not over \$750	2¼% of the state taxable income
Over \$750 but not over \$1,500	\$21, plus 3¾% of excess over \$750
Over \$1,500 but not over \$2,250	\$49, plus 4¾% of excess over \$1,500
Over \$2,250 but not over \$3,000	\$84, plus 5¾% of excess over \$2,250
Over \$3,000 but not over \$3,750	\$128, plus 6¾% of excess over \$3,000
Over \$3,750	\$178, plus 7¾% of excess over \$3,750

(b) FOR HUSBAND AND WIFE FILING JOINT RETURN-
AND HEAD OF HOUSEHOLD:

If the state taxable income is	The tax is
Not over \$1,500	2¼% of state taxable income
Over \$1,500 but not over \$3,000	\$41, plus 3¾% of excess over \$1,500
Over \$3,000 but not over \$4,500	\$98, plus 4¾% of excess over \$3,000
Over \$4,500 but not over \$6,000	\$169, plus 5¾% of excess over \$4,500
Over \$6,000 but not over \$7,500	\$255, plus 6¾% of excess over \$6,000
Over \$7,500	\$356, plus 7¾% of excess over \$7,500

1981 FORM 104-LONG FORM

COLORADO INDIVIDUAL INCOME TAX RETURN

FOR CALENDAR YEAR 1981 OR FISCAL YEAR ENDING _____

Ex. 1 HB 377

PLACE LABEL HERE	FIRST NAME AND INITIAL		LAST NAME		SOCIAL SECURITY NUMBER	
	YOURSELF					
	SPOUSE					
	ADDRESS				SCHOOL DISTRICT NUMBER	
	CITY	STATE	ZIP CODE	COUNTY		

FILING STATUS CHECK ONE

(1) ☐ SINGLE	(3) ☐ MARRIED FILING COMBINED RETURN
(2) ☐ MARRIED FILING JOINT RETURN	(4) ☐ MARRIED FILING ON A SEPARATE FORM

EXEMPTIONS

(5A) ☐ YOURSELF	☐ 65 OR OVER	BLIND } ENTER NUMBER OF BOXES CHECKED ON 5A AND B	☐
(B) ☐ SPOUSE	☐ 65 OR OVER		☐
(C) ☐ NUMBER OF DEPENDENT CHILDREN AND OTHER DEPENDENTS CLAIMED		(C)	☐
(D) ☐ MENTALLY RETARDED DEPENDENT		(D)	☐
(6) ☐ TOTAL NUMBER OF EXEMPTIONS CLAIMED		(6)	☐
(7) IF THIS IS A COMBINED RETURN, SHOW NUMBER OF EXEMPTIONS CLAIMED BY: (A) YOURSELF ☐ (B) SPOUSE ☐			

ALWAYS CHECK BLOCK LABELED YOURSELF. CHECK OTHER BLOCKS IF THEY APPLY.

GO TO LINE 8 ON THE BACK OF THE FORM

(42) ADJUSTED GROSS INCOME FROM LINE 28, PAGE 2. IF THIS IS A COMBINED RETURN, SHOW ADJUSTED GROSS INCOME FOR (A) YOURSELF \$ _____ (B) SPOUSE \$ _____ (C) TOTAL \$ (42) \$ _____

TAX

(43) TAX FROM LINE 41, PAGE 2, OR FROM A TAX TABLE. IF THIS IS A COMBINED RETURN, SHOW TAX FOR (A) YOURSELF \$ _____ (B) SPOUSE \$ _____ (C) TOTAL \$ (43) \$ _____

(44) CREDIT AGAINST INCOME TAXES FOR 1981 INCOME TAX YEAR, ENTER 16% OF LINE 43 \$ (44) \$ _____

(45) NET NORMAL TAX, LINE 43 MINUS LINE 44 \$ (45) \$ _____

(46) SURTAX (COMBINED, IF APPLICABLE) FROM THE SURTAX SCHEDULE \$ (46) \$ _____

(47) TOTAL TAX, ADD LINES 45 AND 46 \$ (47) \$ _____

CR

(48) COLORADO INCOME TAX CREDIT \$ (48) \$ _____

(49) PROPERTY TAX/RENT/HEAT CREDIT FROM FORM 104 PTC \$ (49) \$ _____

(50) ESTIMATED TAX AND/OR EXTENSION PAYMENTS OR CREDITS \$ (50) \$ _____

(51) RESIDENTIAL ENERGY CREDIT OR CREDITS FROM FORM 104 CR \$ (51) \$ _____

(52) TOTAL CREDITS, ADD LINE 48 THROUGH 51 \$ (52) \$ _____

REFUND OR BALANCE DUE

(53) IF LINE 52 IS LARGER THAN LINE 47, ENTER AMOUNT COLORADO OWES YOU \$ (53) \$ _____

(54) COLORADO NONGAME WILDLIFE PROGRAM. CHECK IF YOU WISH TO DESIGNATE ☐ \$1, ☐ \$5, ☐ \$10, OR \$ _____ (WRITE IN AMOUNT) OF YOUR TAX REFUND TO THIS PROGRAM. IF THIS IS A JOINT OR COMBINED RETURN, CHECK IF SPOUSE WISHED TO DESIGNATE ☐ \$1, ☐ \$5, OR ☐ \$10, OR \$ _____ (WRITE IN AMOUNT) \$ (54) \$ _____

(55) AMOUNT OF OVERPAYMENT (LINE 53 MINUS LINE 54) YOU WISH TO HAVE REFUNDED TO YOU \$ (55) \$ _____

(56) IF LINE 47 IS LARGER THAN LINE 52, ENTER THE AMOUNT YOU OWE COLORADO. MAKE CHECK OR MONEY ORDER PAYABLE TO THE COLORADO DEPARTMENT OF REVENUE. INCLUDE PENALTY \$ _____ AND INTEREST \$ _____, IF APPLICABLE \$ (56) \$ _____

(57) AMOUNT OF OVERPAYMENT YOU WISH CREDITED TO 1982 ESTIMATED TAX \$ (57) \$ _____

MAIL TO THE COLORADO DEPARTMENT OF REVENUE
1375 SHERMAN STREET, DENVER, COLORADO 80261

I DECLARE THIS RETURN TO BE TRUE, CORRECT AND COMPLETE UNDER PENALTY OF PERJURY IN THE SECOND DEGREE

(Your signature)

(Date)

(Spouse's signature, if this is a joint or combined return)

(Date)

(Name of individual or firm preparing return)

(Date)

ATTACH WITHHOLDING FORMS HERE

ATTACH CHECK OR MONEY ORDER HERE

INCOME AND ADJUSTMENTS

A MARRIED COUPLE FILING A COMBINED RETURN MUST COMPLETE ALL THREE COLUMNS. ALL OTHER TAXPAYERS COMPLETE THE "YOURSELF" COLUMN ONLY.

	FEDERAL INCOME	YOURSELF	SPOUSE
8 WAGES, SALARIES, TIPS AND OTHER EMPLOYEE COMPENSATION	\$	\$	\$
9 INTEREST AND DIVIDEND INCOME AFTER FEDERAL EXCLUSION			
10 BUSINESS INCOME OR (LOSS)			
11 GAIN OR (LOSS) FROM THE SALE OR EXCHANGE OF PROPERTY			
12 PENSION AND ANNUITY INCOME			
13 RENTS, ROYALTIES, PARTNERSHIPS, ESTATES, TRUSTS, ETC.			
14 FARM INCOME OR (LOSS)			
15 OTHER INCOME, EXPLAIN			
16 TOTAL INCOME, ADD LINES 8 THROUGH 15	\$	\$	\$
17 FEDERAL ADJUSTMENTS (MOVING EXPENSE, ETC.), EXPLAIN			
18 FEDERAL ADJUSTED GROSS INCOME, LINE 16 MINUS LINE 17	\$	\$	\$

COLORADO MODIFICATIONS

19 ADDITIONS (STATE BOND INTEREST, ETC.), ATTACH EXPLANATION	\$	\$
20 TOTAL OF LINES 18 AND 19	\$	\$
SUBTRACTIONS:		
21 UNITED STATES GOVERNMENT INTEREST	\$	\$
22 PENSION/ANNUITY MODIFICATION, STATE SOURCE		
23 INCOME TAX REFUND INCLUDED IN LINE 15		
24 CHILD AND DEPENDENT CARE MODIFICATION		
25 COLORADO INTEREST AND DIVIDEND MODIFICATION		
26 OTHER SUBTRACTIONS, ATTACH EXPLANATION		
27 TOTAL SUBTRACTIONS, ADD LINES 21 THROUGH 26	\$	\$
28 COLORADO ADJUSTED GROSS INCOME, LINE 20 MINUS LINE 27, ENTER HERE AND ON LINE 42 ON THE FRONT OF THE FORM	\$	\$

TAX COMPUTATION SCHEDULE

COMPLETE LINES 29 THROUGH 41 ONLY IF YOU ARE NOT TAKING YOUR TAX FROM A TAX TABLE.

29 OF SCHEDULE A	
30 LESS STATE AND LOCAL INCOME TAX, LINE 11, SCHEDULE A	
31 COLORADO ITEMIZED DEDUCTIONS, LINE 29 MINUS LINE 30	\$
32 IF DEDUCTIONS ARE NOT ITEMIZED, ENTER COLORADO STANDARD DEDUCTION	
33 FEDERAL INCOME TAX DEDUCTION, ENTER LINE 47, FORM 1040 OR LINE 15a, FORM 1040A. SEE INSTRUCTIONS FOR POSSIBLE ADDITIONAL AMOUNTS TO BE ENTERED	\$
34 LESS LINE 57, FORM 1040; OR LINE 13c, FORM 1040A	
35 LINE 33 MINUS LINE 34. IF LINE 34 IS LARGER, ENTER ZERO	\$
36 LESS NONDEDUCTIBLE FEDERAL INCOME TAX	
37 NET FEDERAL INCOME TAX DEDUCTION, LINE 35 MINUS LINE 36	\$
38 NUMBER OF EXEMPTIONS FROM LINE 6 (OR LINE 7) MULTIPLIED BY \$1135	\$
39 TOTAL OF LINES 31 (OR 32), 37 AND 38	\$
40 COLORADO TAXABLE INCOME, LINE 28 MINUS LINE 39	\$
41 TAX. USE TAX RATE SCHEDULE BELOW. ENTER TAX ON THIS LINE AND ON LINE 43 ON THE FRONT OF THE RETURN	\$

TAX RATE SCHEDULE

If Your Taxable Income on Line 40 is:		Your Tax is:
Over	But not over	
\$ 0	\$ 1,335	2.5% of Taxable Income
\$ 1,335	\$ 2,670	\$ 33.38 + 3.0% of Excess Over \$ 1,335
\$ 2,670	\$ 4,006	\$ 73.43 + 3.5% of Excess Over \$ 2,670
\$ 4,006	\$ 5,341	\$ 120.19 + 4.0% of Excess Over \$ 4,006
\$ 5,341	\$ 6,676	\$ 173.59 + 4.5% of Excess Over \$ 5,341

If Your Taxable Income on Line 40 is:		Your Tax is:
Over	But not over	
\$ 6,676	\$ 8,011	\$ 233.67 + 5.0% of Excess Over \$ 6,676
\$ 8,011	\$ 9,346	\$ 300.42 + 5.5% of Excess Over \$ 8,011
\$ 9,346	\$ 10,681	\$ 373.85 + 6.0% of Excess Over \$ 9,346
\$ 10,681	\$ 12,017	\$ 453.95 + 6.5% of Excess Over \$ 10,681
\$ 12,017	\$ 13,352	\$ 540.79 + 7.5% of Excess Over \$ 12,017
All over	\$ 13,352	\$ 640.92 + 8.0% of Excess Over \$ 13,352

FORM 40 IDAHO RESIDENT INCOME TAX RETURN

1982

Nonresidents, Part-Year Residents
and certain
Active Duty Military Personnel
USE FORM 43

Amount Remitted

This Space For State Use Only

Ex. 1 HB 377

For the year January 1 - December 31, 1982, or Fiscal Year beginning , 1982, ending , 1983.

Please
Type
or
Print

NAME (If joint return, give first names and initials of both)

LAST NAME

YOUR SOCIAL SECURITY NUMBER

PRESENT HOME ADDRESS (Number and street, including apartment number, or rural route)

SPOUSE'S SOCIAL SECURITY NUMBER

CITY, TOWN or POST OFFICE, STATE and ZIP CODE

YOUR
OCCUPATION
SPOUSE'S
OCCUPATIONIf you and your tax preparer do not need State income tax forms and instructions mailed to you next year see instructions page 5 and check box ☐ENTER THE NAME AND ADDRESS ON YOUR RETURN FOR 1981. IF NONE FILED, GIVE REASON.
IF YOU HAVE AN OUT-OF-STATE ADDRESS, GIVE THE DATE YOU MOVED FROM IDAHO.SCHOOL DISTRICT IN WHICH YOU RESIDE
(SEE INSTRUCTIONS)

Do Not Write In This Space

A H R F W M

Filing Status

Exemptions

- 1 ☐ Single (Check only ONE box)
- 2 ☐ Married filing joint return (even if only one had income)
- 3 ☐ Married filing separately, if spouse is also filing give spouse's social security number in designated space above and enter full name here ▶
- 4 ☐ Unmarried Head of Household. See Federal Instructions to see if you qualify ▶
- 5 ☐ Qualifying widow(er) with dependent child (Year spouse died ▶ 19). See Federal Instructions.

- 6a Regular ☐ Yourself ☐ Spouse Enter number of boxes checked
- b First names of your dependent children who lived with you Enter Number
- c Number of other dependents (from line 7)
- d TOTAL (add lines 6a, b and c)
- e Age 65 or older ☐ Yourself ☐ Spouse Enter number of boxes checked
- f Blind ☐ Yourself ☐ Spouse
- g TOTAL (add lines 6d, e and f)

7. OTHER DEPENDENTS

(a) NAME

(b) RELATIONSHIP

(c) MONTHS LIVED IN YOUR HOME IF BORN OR DIED DURING YEAR, WRITE B or D

(d) DID DEPENDENT HAVE INCOME OF \$1000 OR MORE?

(e) AMOUNT FURNISHED FOR DEPENDENT'S SUPPORT

BY YOU, IF 100% WRITE ALL

BY OTHERS INCLUDING DEPENDENT

IDAHO ELECTION CAMPAIGN FUND

I hereby designate \$1 of my Income Tax to the Idaho Election Campaign Fund (\$2 on Joint Return) as indicated.

8. Taxpayer
9. Spouse

AMERICAN

DEMOCRATIC

LIBERTARIAN

REPUBLICAN

NO SPECIFIC PARTY

NONE

1 • ☐
2 • ☐3 • ☐
4 • ☐5 • ☐
6 • ☐7 • ☐
8 • ☐9 • ☐
10 • ☐11 • ☐
12 • ☐

Attach Complete Copy of Federal 1040, All Schedules, and Forms W-2

10. Federal Adjusted Gross Income - Enter amount from Federal Form 1040, Line 32 • 10

11. Federal net operating loss carry-forward included in Line 10 • 11

12. Any capital loss carry-forward incurred outside the state before Idaho residency • 12

13. Interest and dividends not taxable under Federal Code (see instructions) • 13

14. Other additions - see instructions and attach explanation • 14

15. TOTAL ADDITIONS. Add Lines 11 through 14 • 15

16. Income after additions. Line 10 plus Line 15 • 16

Subtractions 17. Idaho net operating loss carry-forward (losses incurred out of state before Idaho residency was established are not allowed) • 17

18. State income tax refund included in Federal income (not property tax refund) • 18

19. Interest from U.S. government like Series E & H bonds reported as Idaho income • 19

20. Insurance (see instructions) • 20

21. Alternative energy devices (see instructions - enter amount paid below in proper space and enter balance on line 21C) • 21

(a) • \$ X 40% and/or (b) • \$ X 20%, Balance • 21c

22. Child Care expense (attach Federal Form 2441) • 22

23. Federal income tax credits for alcohol or gasoline (see instructions) • 23

24. Contributions to State Medical Assistance Account (see instructions) • 24

25. Expenditures for personal care services (see instructions) • 25

26. Deduction for maintaining home for aged (see instructions) • 26

27. Certain retirement annuities and benefits (see instructions) • 27

28. Federal Jobs Credits - WIN Credits (see instructions) • 28

29. Other Subtractions - (see instructions) • 29

30. TOTAL SUBTRACTIONS. Add Line 17 through 29 • 30

31. Total IDAHO ADJUSTED INCOME (Line 16 minus Line 30) (Go To Line 32) • 31

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE EXAMINED THIS RETURN, INCLUDING ACCOMPANYING SCHEDULES AND STATEMENTS, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT IS TRUE, CORRECT AND COMPLETE. IF PREPARED BY A PERSON OTHER THAN TAXPAYER, HIS DECLARATION IS BASED ON ALL INFORMATION OF WHICH HE HAS ANY KNOWLEDGE.

SIGN
HERE ▶

YOUR SIGNATURE

DATE

SIGNATURE OF PREPARER OTHER THAN TAXPAYER

DATE

SPOUSE'S SIGNATURE (If filing jointly, BOTH must sign even if only one had income)

ADDRESS

32. IDAHO ADJUSTED INCOME (Amount from Line 31)**Tax Computation**

33a. If you itemize, complete Schedule A (Form 40) Check here ☐ and enter the amount from Schedule A, Line 30. *Caution:* If you have unearned income and can be claimed as a dependent on your parent's return, check here ☐ and see the Instructions. Also see the Instructions if:

- You are married filing a separate return and your spouse itemizes deductions, OR
- You file Federal Form 4563, OR
- You are a dual-status alien

33b. If you do not itemize, complete worksheet on page 9. Enter the allowable part of your charitable contributions

34. Subtract Line 33a or 33b, whichever applies from Line 32

35. Multiply \$1000 by the total number of exemptions claimed on Line 6g, page 1

36. Subtract Line 35 from Line 34

37. State Income Taxes included under Itemized Deductions, Line 11, Schedule A

38. Net Idaho Taxable Income. Add Line 36 and Line 37. Use the amount on Line 38 to find your tax from the Tax Tables, or to figure your tax from Schedules X, Y or Z. Use Tax Rate Schedules ONLY if Line 38 is more than \$50,000. Otherwise, you MUST USE THE TAX TABLES

39. Tax. Enter tax here and check if from ☐ Tax Tables OR ☐ Tax Rate Schedule

40. Income Taxes paid to other states, see Part I below. (attach copy of other state's return)

41. Political Contributions (see Instructions)

42. Contributions to Educational Institutions (see Instructions)

43. Credit for Production of Ethanol Alcohol (attach Idaho Form 25)

44. Contributions to Youth and Rehabilitation facilities (see Instructions)

45. TOTAL OF LINES 40 thru 44

46. Line 39 minus Line 45, but not less than zero

47. Permanent Building Fund Tax (Read Instructions carefully)

48. TOTAL TAX, LINE 46 PLUS LINE 47

49. I wish to donate ☐ None ☐ _____ to \$10, if married filing jointly or up to \$5 for any other filing status. *NOTE: Your donation will either REDUCE the amount of your refund or INCREASE the amount you have to pay*

51. Total Tax plus Donations, Line 48 plus Lines 49 and 50

52. Grocery Credit, \$15 per person included on Line 6d, page 1 (Enter Zero if not required to file return. See Instructions)

53. Additional Grocery Credit, \$15 per person, age 65 or older, included on Line 6e, page 1 (Enter Zero if not required to file. See Instructions)

54. Credit for maintaining home for family member aged 65 or over (See Instructions Complete Part II below)

55. Idaho Income Tax Withheld (Attach Form W-2 or 20-W)

56. Tentative payment or Form 51 payment

57. New Jobs Credit. Attach Form 50 (The amount on Line 57 after adding the amount on lines 45, 52, 53 and 54 may not exceed 50% of the amount on Line 39)

58. TOTAL OF LINES 52 THROUGH 57

59. If Line 51 is larger than Line 58, you have a BALANCE TO PAY — Subtract Line 58 from Line 51 and enter here. PAY IN FULL WITH THIS RETURN. Make check or money order payable to Idaho State Tax Commission. A \$10 charge will be made on returned checks

60. If Line 51 is less than Line 58 you have a BALANCE TO BE REFUNDED — Subtract Line 51 from Line 58 and enter here

Part I COMPUTATION OF CREDIT FOR INCOME TAXES PAID ANOTHER STATE OR TERRITORY

NOTE: A copy of the "Other State Return" must accompany this return. See instructions. Complete all lines below.

1. Total Income Adjusted as shown on the other state return
2. Total Income Adjusted as shown on Line 32, Form 40
3. Amount of income being jointly taxed by both Idaho and Other State
4. Line 3 ÷ Line 2 equals _____ %. Idaho Income Tax as shown on Line 39, _____ x _____ % equals
5. Line 3 ÷ Line 1 equals _____ %. Net Income Tax as shown on Other States Return _____ x _____ % equals
6. Enter here, and on Line 40, the amount of credit claimed. (see Instructions for Line 40)

Part II CREDIT FOR MAINTAINING A HOME FOR FAMILY MEMBER AGE 65 OR OVER

1. Were you a resident of Idaho for all of the last calendar year? ☐ Yes ☐ No
 2. Did you maintain a home for an immediate family member residing in that household during the past calendar year? ☐ Yes ☐ No
 3. Did the family member receive more than one-half (½) of his/her support from you? ☐ Yes ☐ No
- If you answered "No" to any of the above questions you may not claim the credit. If you marked "Yes" to each of the above questions continue below.

4. List Each Family Member For Whom Claim Is Made	Relationship To Person Filing Return	Date of Birth of Family Member

5. Total amount claimed (\$100 for each qualifying member — not to exceed \$300 for a total of 3 family members). Enter on Line 54, above

Sample tax forms with Nongame Check-offs

Colorado

Ex. 1 HB 377

ATTACH CHECK OR MONEY ORDER HERE

52 TOTAL CREDITS, ADD LINE 48 THROUGH 51

REFUND OR BALANCE DUE

53 IF LINE 52 IS LARGER THAN LINE 47, ENTER AMOUNT COLORADO OWES YOU

54 COLORADO NONGAME WILDLIFE PROGRAM. CHECK IF YOU WISH TO DESIGNATE ☐ \$1, ☐ \$5, ☐ \$10, OR \$ (WRITE IN AMOUNT) OF YOUR TAX REFUND TO THIS PROGRAM. IF THIS IS A JOINT OR COMBINED RETURN, CHECK IF SPOUSE WISHED TO DESIGNATE ☐ \$1, ☐ \$5, OR ☐ \$10, OR \$ (WRITE IN AMOUNT)

55 AMOUNT OF OVERPAYMENT (LINE 53 MINUS LINE 54) YOU WISH TO HAVE REFUNDED TO YOU

56 IF LINE 47 IS LARGER THAN LINE 52, ENTER THE AMOUNT YOU OWE COLORADO. MAKE CHECK OR MONEY ORDER PAYABLE TO THE COLORADO DEPARTMENT OF REVENUE. INCLUDE PENALTY • \$ AND INTEREST • \$, IF APPLICABLE

57 AMOUNT OF OVERPAYMENT YOU WISH CREDITED TO 1982 ESTIMATED TAX

MAIL TO THE COLORADO DEPARTMENT OF REVENUE
1375 SHERMAN STREET, DENVER, COLORADO 80261

Utah

19. Utah Income Tax (from Tax Rate Schedules on back of form)

20. Credit for Utah Income Tax withheld (attach withholding forms)

21. Credit for Income Taxes Paid to Another State (complete Schedule A on back of form)

22. Credit for Utah Income Tax Prepaid

23. Other Credits (complete Schedule C on back of form)

24. Total Credits (add lines 20 through 23)

25. Additional Tax Due - If line 19 is larger than 24, subtract line 24 from line 19 and enter balance - PAY THIS AMOUNT

26. Refund - If line 24 is larger than line 19, subtract line 19 from line 24 and enter balance

27. Utah Nongame Wildlife Fund. I wish to contribute ☐ \$1 ☐ \$5 ☐ \$10 or \$ (enter amount), or

☐ I do not wish to contribute. Enter contribution amount on line 27 at right

28. Net Refund - subtract line 27 from line 26. This amount will be refunded to you. Please allow 90 days for processing

Send return and payment to: UTAH STATE TAX COMMISSION
HEBER M. WELLS OFFICE BUILDING

29. Did you file a Utah return for 1981? ☐ YES ☐ NO
If no, give reason

FOR OFFICIAL USE ONLY
CODE APPROVAL

Idaho

44. Contributions to Youth and Rehabilitation facilities (see Instructions)

45. TOTAL OF LINES 40 thru 44

46. Line 40 minus Line 45, but not less than zero

47. Permanent Bonding Fund Tax (Read Instructions carefully)

48. TOTAL TAX, LINE 46 PLUS LINE 47

49. I wish to donate ☐ None ☐ \$1 ☐ \$5 ☐ \$10 or \$ to the Nongame Wildlife Fund

50. I wish to donate ☐ None ☐ \$ ☐ \$5 ☐ \$10 to the U.S. Olympic Fund. Enter any dollar amount up to \$10, if married filing jointly or up to \$5 for any other filing status
NOTE: Your donation will either REDUCE the amount of your refund or INCREASE the amount you have to pay

51. Total Tax plus Donations, Line 48 plus Lines 49 and 50

Kansas

8. BALANCE DUE (If line 7 is greater than line 6) Interest [O] Penalty [P]

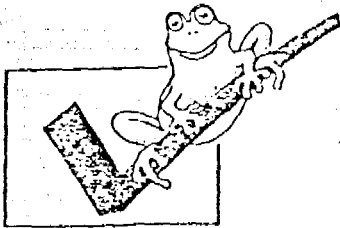
10. REFUND (If line 8 is greater than line 7)

11. KANSAS NON-GAME WILDLIFE IMPROVEMENT PROGRAM. Check if you wish to donate, in addition to your tax liability, () \$1, () \$5, () \$10 or () \$ or designate () \$1, () \$5 () \$10 or () \$ of your tax refund for this program. If joint return, check if spouse wishes to donate or designate () \$1, () \$5, () \$10 or () \$ Enter total on line 11

[W] Total Wildlife Contribution

For Office Use Only

Illustration by Permission of
New Jersey Nongame Wildlife
Fund



STATE INCOME TAX CHECK-OFF PROGRAMS

FUNDING RESULTS

States with Programs	Year Bill Signed	Tax Year	Totals	Contributors	% of Persons Having Refunds Contributing	Average Contribution
Alabama	1982	----	----	----	----	----
Arizona	1982	----	----	----	----	----
Colorado	1977	1977	350,000	90,000	9.0%	\$3.89
		1978	501,000	118,600	12.0%	4.22
		1979	647,200	129,300	11.9%	5.00
		1980	740,000	139,850	12.7%	5.30
		1981	692,000	124,000	12.4%	5.60
Idaho *	1981	1981	102,500	22,000	----	4.43
Indiana	1982	----	----	----	----	----
Iowa	1982	----	----	----	----	----
Kansas	1980	1980	128,788	21,786	3.6%	4.87
		1981	130,193	----	----	----
Kentucky	1980	1980	85,619	13,611	1.2%	6.29
		1981	80,000	11,038	1.3%	7.29
Louisiana	1981	1981	344,198	35,858	2.5%	10.42
Minnesota	1980	1980	569,277	170,177	9.8%	3.39
		1981	624,899	195,503	11.4%	3.20
New Jersey	1981	1981	403,000	100,000	4.8%	4.05
New Mexico	1981	1981	256,000	24,000	4.6%	10.68
New York	1982	----	----	----	----	----
Oklahoma	1981	----	----	----	----	----
Oregon	1979	1979	347,000	94,848	11.5%	3.42
		1980	359,981	97,803	11.1%	3.63
		1981	272,152	55,916	8.1%	4.13
Pennsylvania	1982	----	----	----	----	----
South Carolina	1981	1981	100,000	20,500	2.0%	4.85
Utah	1980	1980	216,594	55,366	16.0%	3.91
		1981	204,726	47,942	14.1%	4.27
Virginia	1981	1981	371,000	61,692	3.4%	5.92
West Virginia	1981	1981	164,649	37,340	7.9%	4.41

*Idaho estimates that 6% of the taxpayers contributed to their nongame wildlife program in its first year.

SURVEY OF STATE NONGAME WILDLIFE
PROGRAMS

Ex. 1 HB 377

49 states now have nongame wildlife programs

<u>Funding Source</u>	<u>Example of State with this Method</u>
Hunting and Fishing License Fees	Montana Wyoming
Sales Tax (1/8 of 1% sales tax)	Missouri
Personalized auto tags	Washington
Shoulder patches	Only Pennsylvania tried this method--they now use an income tax check-off
T-shirt Sales	Michigan uses this in conjunction with hunting and fishing license fees
General Funds	Nebraska Nevada New Jersey used this method initially but now uses the tax check-off method
Wildlife (Nongame) Stamps	Colorado, Pennsylvania and Montana have all tried this method--it failed in each state due to inconvenience. Colorado and Penn. now use an income tax check-off.
Income tax check-off	now used in 20 states (see attached sheets)

DEPARTMENT OF REVENUE

State Capitol Annex
1375 Sherman Street
Denver, Colorado 80261



November 29, 1982

Harriet Marble, President
Montana Audubon Council
P. O. Box 649
Chester, Montana 59522

Dear Ms. Marble:

Mr. James Phelps has requested we contact you concerning the participation by taxpayers in the nongame wildlife check-off and the costs to the Colorado Department of Revenue of operating the program.

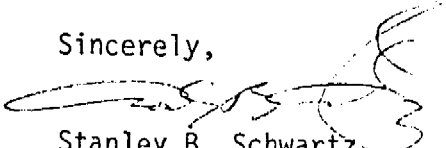
We have not made any specific studies concerning the administrative costs of the wildlife check-off since it is integrated into the overall income tax processing and since no additional personnel have been added as a result of this program.

On an allocated cost basis, it is doubtful that overall administrative costs would exceed several thousand dollars. For example, during the past fiscal year the department processed 125,881 returns with a wildlife check-off amount. Recording an accounting code and the dollar amount represents four data entry keystrokes per return. At an average keystroke rate of 5,000 per hour and an average hourly wage of \$5.87 per hour, the data entry costs would be \$596. Only 571 returns required accounting adjustments largely as a result of taxpayers entering their refund on the check-off line instead of the refund line.

There are two factors which contribute to low administrative costs. One is to allow the taxpayers to donate any amount of their refund to the wildlife fund and the second is to accept payments with returns from taxpayers without refunds by treating these payments as overpayments to be credited to the fund.

Enclosed is a summary of the nongame wildlife check-off participation along with a copy of our income tax return. Please advise if you need additional information.

Sincerely,



Stanley B. Schwartz
Chief, Research and Statistics



Ex. 1 HB 377

THE STATE OF UTAH
STATE TAX COMMISSION
SALT LAKE CITY, UTAH 84134

IN REPLY REFER TO:

January 21, 1983

Montana Audubon Council
Box 464
Helena, MT. 59624

Attn: Ms. Louise Bruce

Dear Ms. Bruce:

This is in reply to your questions regarding the Utah non game wild life check-off system.

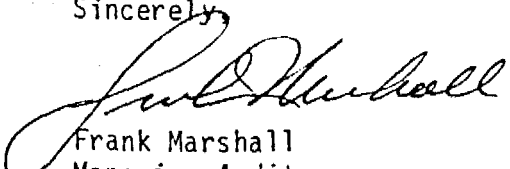
The Utah Tax Commission has administered this fund for three years. The system has turned out to be very simple, with very little cost involved. Most of the work is handled by the computer.

The only costs that have been involved are the cost of printing an extra check-off card, the cost of making a program change on the computer, the key punch expense and the cost of making a monthly journal entry. The costs are so small that we have not even tried to break them out of our normal processing costs.

We have collected \$207,649.83 for 1981 with 48,619 returns checking off a contribution.

I have enclosed a copy of our three 1982 Utah income tax returns as you requested.

Sincerely,


Frank Marshall
Managing Auditor
Income Tax

FM:lh
Enclosures - 3

EXHIBIT # 2

HB 377

Testimony presented by Jim Flynn, Department of Fish, Wildlife, & Parks

February 1, 1983

I appear today in support of HB 377.

The Department of Fish, Wildlife, & Parks has the statutory responsibility for the management of nongame species in Montana. These obligations and authorities are found in Sections 87-5-101 through 87-5-112, M.C.A. and include:

1. The Department shall conduct ongoing investigations of nongame wildlife.
2. The Department shall issue regulations deemed necessary to manage certain nongame species.
3. The Director shall establish such programs as are deemed necessary for the management of nongame wildlife.

In implementing these charges as well as the others the Department has proposed a budget of \$49,000.00 for this fiscal year. This funds one full time nongame wildlife biologist as well as a part time position part of the year and the accompanying support for clerical assistance, travel, per diem, etc.

Priorities for the nongame effort are identified in a variety of ways. Concerns expressed by the public, deliberate discussions at all levels within the Department, the fact that some species continually turn up in planning documents and Environmental Impact Statements, and federal land managers using indicator species all have an impact upon the program's scope.

A 1975 evaluation of nongame species resulted in a numerical ranking based on biological security, public appeal and on the economic and ecological impact from an increase in a species numbers. This exercise resulted in a list of species of special interest or concern.

In addition the Legislature has given the Department the authority and responsibility to initiate management programs, rules and regulations for species which have been declared to be "in need of management". It is important to note that at this time additions to or deletion from this list must be approved by the Legislature. At the present time, no species is felt to be "in need of management".

The foregoing is a process now on the books and ongoing. The measure before you addresses the funding of that process. We feel this is an important aspect for even though the laws have been with us for some time, funding for the program has not been forthcoming. As a result we have been forced to rely on funding sources which have traditionally been reserved for game species. These include license fees as well as Pitman-Robertson funds derived from excise taxes on firearms and ammunition.

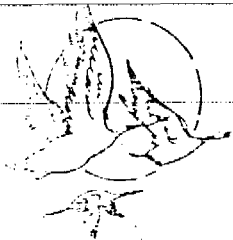
The reactions to our general license fee increase serve as a stimulus to search out those programs which should be supported by other funding sources. The "user pay concept" must be invoked. At the present time there is no way for nonhunters to help pay for the program of which they are the chief beneficiaries.

The fiscal note for HB 377 indicates an income of \$100,000 to \$180,000 from the checkoff system. These figures are arrived at by using the experience of states like Colorado and Oregon. It is probable that these estimates are high and that a more viable figure would be less than \$100,000. This lower figure is based on the comparisons of Montana's rural state to the more urban states of Oregon and Colorado.

If the Department were to receive more funding we would not anticipate adding more staff to our existing personnel. We would expand our operations into the following areas:

1. Development of a centralized data system to record status and distribution of nongame species.
2. Accelerate our schedule of nongame inventories on our Wildlife Management Areas.
3. Conduct nongame research projects in the University System through our stipend program.
4. Conduct status determining investigations of selected species such as ospreys or groups of species such as shore birds.
5. Conduct research with the Department of Agriculture on environmentally safe methods of vertebrate pest control.

In summary, there is a need for nongame activities to be funded by nonhunting license dollars. At the same time there is a need and a statutory responsibility to conduct a program. It would seem that HB 377 would address both needs.



Montana Audubon Council

P.O. Box 649, Chester, Montana 59522

February 1, 1983

Mr. Chairman and Members of the Committee,

This letter is written to support House Bill 377, the nongame funding bill. I am not able to be at this hearing personally, but I wish to have my comments heard.

By now you are more accustomed to citizens opposing further taxation, but we are here today to request that a voluntary levy be established for purposes of great interest to many Montanans. I am referring to HB 377 which would provide a voluntary means of raising funds for Montana's Nongame Program.

I am President of the Montana Audubon Council which has eight chapters and 2400 members in Montana. I also served on the Montana Nongame Advisory Board and became quite familiar with all the various methods by which nongame programs could be and have been funded in the other 50 states. To date 20 states have adopted the voluntary check-off method and it is by far the most common way to fund nongame programs in other states.

Montana has now had the nongame program for 10 years funded by only sportsmen's dollars. We think it is time that hikers, birdwatchers, campers, outdoor photographers and other interested persons contribute to the wildlife resource program in Montana. The voluntary check-off would provide money to the nongame program from these nonhunters who enjoy and use the outdoor resource as much as sportsmen.

The program has been successful in other states and there is no reason that it can't be equally successful in Montana. The Montana Audubon Council would greatly appreciate a "do pass" recommendation from this committee.

Thank you.

Sincerely,

Harriet Marble

Harriet Marble
Montana Audubon Council President

Montana Audubon Council

Exhibit-4

Testimony in support of HB 377

My name is Janet Ellis and I'm speaking in behalf of the Montana Audubon Council in support of HB 377.

The first thing I'd like to discuss is the information sheet I'm passing around that identifies what is and what is not nongame. (SEE ATTACHED SHEET).

The second thing that I'd like to do today is sell a product-- and that product is the nongame program. With over 600 nongame animals in Montana, the current program has worked with only a handful of animals. I wish to discuss in detail some examples of ways the nongame program can benefit Montanans.

1) Our current nongame program has noted that populations of Western Bluebirds in this state have declined in the last 2 decades. ~~because of nesting problems.~~
~~because of nesting problems.~~
An effective management technique that has helped bluebirds in Montana and other states is setting up nesting boxes for them to nest in. Without information on how to build a bluebird box, where to place it and how to take care of it, the program would be ineffective. Bluebird boxes are a simple and effective management tool for helping bluebird populations.

I emphasize the word "management" here because of the confusing word talking about nongame animals. The legal definition on "management" in the Montana Nongame and Endangered Species Act is different than the "management" used to discuss what is currently going on with bluebirds. With bluebirds, the word is used to describe a positive tool for helping out these birds. The legal definition, as discussed by Jim Flynn, gives the Department the authority to make regulations concerning nongame. Before these animals can have such regulations passed for them, however, the Montana Legislature must reclassify these animals from a "nongame animals" to a "nongame animal in need of management." I want you to understand that the Department can help animals without this reclassification: but only through education of the public--a tool that is not ~~enormously~~ dangerous.

2) The second program idea I will discuss is how nongame money can be used to benefit agriculture. Nongame research can,

Ex. 4 HB
37

specifically, be used to find out better ways to control vertebrate pests. I want to specifically talk about how one such program has helped in the control of pocket gophers.

The pocket gopher is a nongame animal that tunnels underground. The problems it causes the agriculture industry begin with broken legs of cattle and horses from stepping in concealed burrows to problem with grain crops, because, as the pocket gopher burrows, it cuts the roots of the plants that are in its path. A large number of pocket gophers can cause significant problems.

Research found a weakness of pocket gophers: they are very territorial and don't like other gophers entering their home base.

And with that knowledge, the burrow-building machine was designed. This machine builds tunnels in the ground intersecting with pocket gopher burrows. The machine then puts down poison bait at regular intervals in these "false" burrows for the pocket gopher to eat. Because the pocket gopher doesn't like intruders, he follows the "false" burrow to find out who is there and ~~xxxx~~ ultimately consumes the poison bait.

The Montana Department of Agriculture currently recommends the use of burrow-building machines to ranchers with significant problems with these animals. This machine is economical and efficient. It is important too because the pocket gopher is the only animal that is likely to consume the poison bait. Without nongame research on this animal this invention would have been discarded.

There are many ways the nongame program can benefit Montana that would benefit school children, the visiting tourist and other interested persons. The nongame program has endless possibilities. It is a positive program, with enough restrictions in the present law, to benefit all Montanans.

WHAT IS A NONGAME ANIMAL ?

These animals are not nongame

Game*

Elk
Ducks
Geese
Trout
Bear
Deer

Furbearers

Mink
Marten
Fisher
Otter
Bobcat
Canada Lynx
Beaver
Northern Swift Fox
Wolverine

Predators

Coyotes
Skunks
Weasils
Civet Cats

Endangered Species

Whooping Crane
Black-footed Ferret
Timber Wolf
Peregrine Falcon

These animals are nongame

Nongame*

White Pelican
Pika
Grasshopper Mouse**
Raccoon
Masked Shrew
Snowshoe Hare**
Bison
Big Brown Bat
Western Big-eared Bat
Woodpeckers
Black-tailed Prairie Dog**
Sagebrush Lizard
Golden Eagle***
Western Toad
Yellow Perch
Pumpkinseed
Osprey
Great Blue Heron
Western Meadowlark
Flying Squirrel
White-tailed Cottontail
Least Chipmunk
Sagebrush Vole
Great Horned Owl***
Painted Turtle

*These are not complete lists of animals--they are only examples.

**The Department of Livestock controls these animals when they become pests under 81-1-401 MCA.

***These animals can be destroyed if they destroy livestock or poultry under 87-5-209 MCA.

January 28, 1983

Representative Les Nilson
House Fish and Game Committee
Capitol Building
Helena, MT 59620

RECEIVED

FEB - 1 - 1983

Dear Representative Nilson,

I am chairman of the Montana Rodent Damage Control Council. The council was organized in 1980 to deal with a ground squirrel problem that we have in western Montana. Membership includes landowners and county government officials from 12 western Montana counties.

In 1979, the first year the counties conducted an organized rodent control program, a lot of concern was expressed by the general public that the control methods may have an adverse effect on the environment. To resolve this the council has involved the various conservation groups, the Fish, Wildlife and Parks Department, the University of Montana Cooperative Wildlife Research Unit, and the Montana Department of Agriculture which is responsible for the rodent program at the state level. This process has enabled us to develop a good working relationship with these groups and at the same time address an economic problem for the landowners and the environmental concerns of the public.

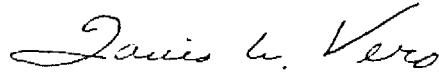
The council discussed at its meeting last December the proposed non-game legislation which is being introduced as House Bill 377. The council went on record with two major points regarding this legislation.

1. We have been assured by the Audubon Society and other conservation groups and the Montana Fish, Wildlife and Parks Department that House Bill 377 will not interfere with the rodent control programs being conducted by the counties and the Montana Department of Agriculture.
2. The non-game program could provide a source of research dollars that would enable us to develop an integrated pest management approach to our rodent control problems. Field rodent research is desperately needed to provide new control methods that will help the landowners and at the same time prevent non-target damage.

Ex. 6 HB 377

The Montana Rodent Damage Control Council looks forward to a continued good working relationship with the groups involved with rodent control and vertebrate pest management and urges your consideration for this legislation.

Sincerely,

A handwritten signature in cursive script that reads "Louis Vero".

Louis Vero
E/L Ranch
Box 24
Greenough, MT 59836

cc: House Fish & Game Committee Members
Audubon Society
Montana Wildlife Federation
Defenders of Wildlife
Montana Department of Agriculture
Montana Fish, Wildlife and Parks Department

WITNESS STATEMENT

Name MERLE ROGNRUD Committee On Fish & Game
 Address 2205 8th Helena Date 2-1-83
 Representing Mont. Chapt. Wild. Soc. Support X
 Bill No. 377 Oppose _____
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. There are 435 vertebrate nongame wildlife species and more invertebrate ^{species} in Montana, needing management.
2. The 1973 ^{Montana} legislation - Nongame and Endangered Species Act, makes it policy to manage nongame wildlife for human enjoyment, scientific purposes and to insure perpetuation as members of ecosystem.
3. but funds have not been appropriated.
 The Dept. Fish Wildlife & Parks carries out minimum investigations with hunting & fishing license fees, matching federal aid funds but other funding is needed.
4. H.B. 377 proposes a state income tax check off system for taxpayers to voluntarily contribute to nongame management if they wish and 22 other states presently use the system.

The Montana Chapter Council of the Wild Society endorses this concept of funding the nongame program in Montana

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Re: H.B. 377

2205 8th Avenue
Helena, Montana
February 1, 1983

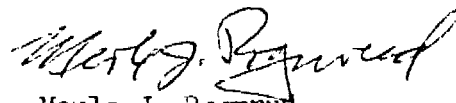
Les Nilson, Chairman
Fish And Game Committee
House of Representatives
State Capitol
Helena, Montana

Dear Mr. Nilson and Members of The Committee:

I wish to present a statement from the Montana Chapter
of The Wildlife Society in support of H B 377, The
Nongame Wildlife Funding Bill.

Thank you for your consideration of this statement at
the Fish and Committee hearing February 1, 1983.

Sincerely yours,



Merle J. Rognrud,
Legislative Committee
Montana Chapter
The Wildlife Society

Attachment: Statement supporting H B 377

STATEMENT
OF
THE WILDLIFE SOCIETY, MONTANA CHAPTER
ON THE NONGAME WILDLIFE FUNDING BILL (HB 377)

Ex. 7

TO THE HOUSE FISH AND GAME COMMITTEE, FEBRUARY 1, 1983

The Chapter Council, acting as the governing body of the Montana Chapter submits the following statement, supporting H.B. 377, Nongame Funding Bill.

WHEREAS, The Montana Chapter of the Wildlife Society is a nonprofit organization of professional wildlife biologists and others dedicated to preserving Montana's wildlife resources and their habitats;

WHEREAS, this Chapter further recognizes that people, as well as wildlife are dependent on their environment and believes that wildlife in its many forms is basic to the maintenance of a quality life for all Montanans;

WHEREAS, there are 435 vertebrate species of nongame wildlife in Montana and many additional invertebrate wildlife species, all of which are members of ecosystems in the state; and

WHEREAS, the 1973 Montana Nongame and Endangered Species Act declares that it is the policy of the State to manage nongame wildlife for human enjoyment, for scientific purposes, and to insure their perpetuation as members of ecosystems, and

WHEREAS, this Act requires the Department of Fish, Wildlife, and Parks shall conduct ongoing investigations of nongame wildlife and shall issue regulations deemed necessary to manage certain nongame wildlife; and

WHEREAS, the legislature has not yet appropriated funds to implement the Act and the current nongame program is funded by hunting and fishing license fees matched with Federal Aid money; and

WHEREAS, The Federal Endangered Species Act and the Federal Fish and Wildlife Conservation Act authorize programs of which the latter is not funded and these programs affect, or could affect species of nongame wildlife in Montana, and the State nongame program needs funding from sources other than hunting and fishing license fees and 20 states presently use the income tax check-off system,

NOW THEREFORE, be it resolved that the Montana Chapter of the Wildlife Society endorses the concept of funding the nongame program of the State of Montana through a voluntary check-off box on the Montana State Income Tax Form to accept donations from State taxpayers who wish to contribute to the nongame wildlife program.

2-1-83

Exhibit 8

Lucienne Brieger

Alliance for a Nuclear-Free Montana
 Alternative Energy Resource Organization
 American Fisheries Society
 Cabinet Resource Group
 Citizens for an MX-Free Montana
 Canyon Coalition
 Common Cause
 Defenders of Wildlife
 Elkhorn Citizens Organization
 Five Valleys Audubon
 Flathead EIC
 Flathead Audubon
 Flathead Resource Organization
 Great Bear Foundation
 Headwaters Alliance
 Institute of the Rockies
 Last Chance Audubon
 League of Women Voters
 Madison-Gallatin Alliance
 Missouri Breaks Protective Association
 MEIC
 MT Wilderness Association
 MT Wildlife Federation
 MontPIRG
 Nature Conservancy
 North Fork Preservation Association
 Northwest Citizens for Wilderness
 Northern Rockies Action Group
 Pintl.
 Rocky Mountain Snowmelt
 Sierra Club--Yellowstone Valley Group
 Sierra Club--Last Chance group
 Sierra Club--Bitterroot group
 Solar Energy Industry Association
 Trout Unlimited--West Slope Chapter
 Upper Missouri Breaks Audubon
 Western Sanders County Involved Citizens
 Wildlands and Resources Association
 Wilderness Society
 Wildlife Society--UM Group
 Yellowstone Valley Audubon
 Bozeman EIC

Submitted by Luci Brieger, representative of the Montana Conservation Congress

Additional Comments:

Cons. Congress met in Sept. 1982, discussed the issue and a prepared "working paper", and unanimously endorsed the no game wildlife hunting proposal. Members of the conservation organizations are from all walks of life - agriculture, industry, education, govt, etc.

White Paper on Non-Game Wildlife

Introduction-Problem Statement

Montana law provides for the management of the State's non-game wildlife. This management responsibility has been placed in the hands of the Mt. Dept. of Fish Wildlife and Parks. However, over the years since the program was established, funding has steadily deteriorated. The Department, not having an earmarked source of funds for this program, as it does for its game programs, has chosen not to seek other major funding sources. So the non-game program hangs on by a slender thread. The greatest reason for supporting a non-game program with adequate funding is that the state could establish a positive rather than a reactive program. With adequate funds a program which seeks out those species which are not presently threatened or endangered and seeks to improve the population is a possibility. At present, a species is threatened or endangered before steps are taken to improve its habitat and thereby increase numbers in the population. Usually, by the time a species is in the bad shape that it needs to be classified as threatened or endangered, it is just about too late to take corrective measures. Also, because not enough money is spent in learning about non-game species, they can be classified incorrectly as endangered or threatened. Such was the case with the snail darter in Tennessee. This particular case an endangered species stopped construction of a dam, and caused a "black eye" for the endangered species act. The small fish, after further research, was found to be relatively abundant in streams in the region. With adequate funding to begin with, the whole controversy would not have existed. The non-game program could provide an organized means of support for research which is necessary in Montana to provide an understanding of what needs to be managed and how that management can proceed so that non-game species do not become threatened or endangered because of neglect.

*well
studied*

Many people throughout Montana spend thousands of hours gathering information on our non-game wildlife. We need a focus for these volunteers so that their efforts won't be wasted. A non-game program in DFWP could serve as the focus, both for compilation of data and for its dissemination.

Environmental impact statements being written under MEPA or MESA or other statutes require an assessment of a development's impacts on all of the natural environment. Information on game species is readily available throughout the state and can be used easily and cheaply. No such information source exists for non-game species. Since non-game has had relatively little research done on it, it becomes necessary to do research on each project. This method of doing non-game research on a piecemeal basis is extremely costly and inefficient.

WILDLIFE CAUCUS REPORT 1982 CONSERVATION CONGRESS

NON-GAME WILDLIFE

Much concern was expressed in the caucus about the lack of efforts in Montana to promote non-game wildlife. The Montana Department of Fish, Wildlife and Parks is authorized to provide for management of the non-game wildlife but the Department has been reluctant to budget funds for the program because FWP funding primarily is derived from sportsmen's fees.

In order to promote a positive, rather than reactive, program a diversified source of funding for FWP is necessary to allow the Department to fund a non-game program from sources other than sportsmen's license fees. A state income tax check-off appears to be one feasible source of diversified funding for FWP.

Past attempts to pass such legislation were thwarted when the non-game check-off bills became tied up in bogus issues such as promoting coyote and prairie dog protection, or by legislative maneuvering which prevented the bills from reaching the floor of the House. Also, past legislative efforts lacked broad-based support and the Montana Audubon Council became virtually the only advocate.

Broadening the scope of a bill to seek funding for wildlife habitat or habitat improvement may increase the political acceptance of such legislation. Habitat improvement would be more inclusive than just non-game and could be supported by sportsmen, might lessen the opportunity for misinformation which plays on the fears of landowners. In addition members of the caucus recognized that efforts to enhance non-game wildlife and game are mutually beneficial.

The Wildlife Caucus recommended the following actions to promote funding for non-game wildlife:

1. Request the Governor to appoint an Advisory Council for Non-game Wildlife. The Advisory Council would comprise members from conservation, sportsmen, agricultural and resource development organizations. The Advisory Council would have two primary roles: (a) prior to the Legislative session it would prepare legislation that would be acceptable to all the interest groups, and (b) after the session it would have an oversight role to advise the FWP on appropriate expenditure of the funds.

A further benefit of an Advisory Council would be to create a broader base of advocacy for diversified funding.

2. Support efforts to form a private Natural Heritage program aimed at identifying and acquiring lands which are key to protecting non-game wildlife.

Since the Conservation Congress, Jim Phelps of the Montana Audubon Council and Ken Frazier of the Montana Wildlife

Federation met with Governor Schwinden in Billings to discuss the formation of an Advisory Council and to seek the Governor's support for non-game legislation. Jim Phelps has followed up that meeting by writing a letter to Governor advocating a non-game program and an income tax check-off.

Contact persons for non-game wildlife:

Janet Ellis, Montana Audubon Council

Jim Richard, Montana Wildlife Federation

MONTANA CONSERVATION STRATEGY

Participants in the Wildlife Caucus recognized that present and past efforts to achieve specific conservation objectives often fail because: (1) no unified or coordinated conservation strategy exists, (2) no framework exists within which conservation issues may be addressed through planning and direction. In addition, all of our efforts to promote single or local issues will become overshadowed by national and international problems such as population growth, loss of agricultural lands, acid rain, loss of species diversity, poor nutrition and energy needs.

The Wildlife Caucus recommended:

1. That the development of a consolidated, unified Montana Conservation Strategy be adopted as the focus of the 1983 Conservation Congress.
2. That Montana commit to implementing a conservation format patterned after the World Conservation Strategy.

The Conservation Congress acted on the recommendation of the Wildlife Caucus by adopting a resolution to focus the 1983 Congress around the development of a Montana Conservation Strategy.

Contact person for a Montana Conservation Strategy:

Charles Jonkel, U of Montana

Caucus Participants included:

Georgia Frazier, Yellowstone Valley Aud
 Jim Posewitz, DFWP
 Larry Thompson, Aud
 Harriet Marble, Upper Mo Brks Aud
 Janet Ellis, Aud
 Pat Nichols, Aud
 Charles Jonkel, Great Bear Fdn
 Rob Bennetts, Wildlife Soc
 Tom Morrell, "
 Sharlon Willows, Canyon Coalition
 Carley McCaulay, Wildlands and Resources
 Jim Richard, MWF

UNIVERSITY OF MONTANA WILDLIFE SOCIETY

Exhibit 9

TESTIMONY IN SUPPORT OF HOUSE BILL 337

Mr. Chairman and members of the Committee:

My name is Randy Hohf and I am speaking on behalf of the University of Montana Student Chapter of the Wildlife Society. The Wildlife Society is a national organization of wildlife biologists dedicated to professionalism in the field of wildlife biology. The student chapter at U. of M. consist of about sixty-five members.

Since I am here to represent biologists, I would like to propose some biological reasons for funding the non-game program.

First, I would like to mention just a few examples of direct benefits to non-game wildlife that could occur if the program is properly funded:

- 1) Placement of nesting boxes for Western bluebirds and other songbirds
- 2) Placement of nesting platforms for Ospreys
- 3) Enhancement of wetlands to benefit shore birds such as sandhill cranes, white pelicans, and great blue herons
- 4) Planting of winter shelterbelts for owls and songbirds
- 5) Identification of food habits of burrowing owls in order to understand their requirements for existing in Montana
- 6) Performance of inventories of these and other species in order to address their long-term management needs
- 7) Identification of indicator species which allow managers to monitor the condition of the physical environment.

Secondly, I would like to talk briefly about endangered species. By providing a data base through inventories of non-game wildlife populations in Montana, we could prevent species from becoming endangered by monitoring their status and requirements before population levels become dangerously low. We could also prevent species from being placed on the Endangered Species List just because we think they are endangered, when in fact they may not be.

Finally, and most importantly, there is the necessity of preserving nature's ecological balance. Every species plays a specific role in keeping the environment in balance. For example, raptors prey on rodents, and the removal of these birds from the system may allow rodent populations to increase, possibly to the point where they cause crop damage. Woodpeckers and other insectivorous birds help to control populations of forest damaging insects such as spruce budworm and mountain pine beetle.

It is much easier and cheaper to prevent an upset in the balance of the natural world than to try and restore equilibrium after it has been destroyed. The famous wildlife manager and conservationist Aldo Leopold once said:

"To keep every cog and wheel is the first precaution in intelligent management." As professional and future professional wildlife biologists, the members of the U. of M. Wildlife Society urge this committee to support "intelligent management" by funding the non-game program through the tax check-off system. If you have any questions, I will be happy to answer them. Thank you very much.

Good Afternoon, Mr Chairman and members of the committee, my name is Wilbur Lehman. And I represent myself as a hunter, angler conservationist and private landowner. I speak in support of HB 377 the Non-Game Wildlife Fund Bill. As I'm sure you are already aware this bill will change in any way the exist'g authority of State government and the Dept of Fish Wildlife & Parks, this bill merely provides a funding source for the current non-game program instead of hunting and 6 licenses.

As a hunter I don't mind my fees being used to carry out this program but I would like to see other taxpayers who care about wildlife but may not hunt share in providing funds for this program. I believe that the check-off system as provided in HB 377 does this in a fair and equitable manner.

Briefly I would like to voice concerns of private landowners, being one myself. I have owned and operated an irrigated hay unit in Sanders county and I have personal understanding of private property rights and trespass problems.

Mr. Lehm, near Hot Springs Montana

had a perennial stream flowing through,
a tributary to the Little Bitterroot River.

Most of the our richest and diverse habitats
for wildlife occur ~~along~~ in the so-called riparian
zones, areas near streams or rivers. And that
was most certainly true of my place. There
is an abundance of vegetation and insects which
supported both game- and non-game critters.

Private landowners of Montana have always
valued our riparian areas not only for their
agricultural and livestock values but also for
their aesthetic and wildlife values. Private
landowners are concerned that they may
not be able to control ~~rodents and pests~~
predators and rodents on their lands.

Let me assure that I have read
this bill as a conservationist and a landowner
and I can find no way that it will hamper
or ~~restrict~~ restrict private property rights or
the landowners ability to control pests.

The non-game act of 1973 does not
include animals declared to be predators by
statute or rule. While the act does include ^{some} rodents
landowners may control problem rodents which
the Dept of Livestock has designated by rule.

Further let me assure you that the
act does not allow the DFWP to condemn
land for the purpose of protecting non-game. nor
may the Dept manage, in anyway private lands
under this act.

Now, what does the act do? Very simply it provides a way for landowners who wish to help out and manage wildlife on their property. It allows those landowners, who so desire, away of managing "attachable" wildlife, the owls and hawks, songbirds and shrews and snakes and frogs which inhabit our fields and ponds.

1. The studies proposed under this bill will provide information on how a landowner can improve areas on their property for non-game.

2. The studies might indicate what can be done for wildlife which would be at no cost to the landowner and might benefit their operations. Again the choice to manage their wildlife would be the landowners.

3. Promote public education programs to promote awareness and understanding and increase our scientific knowledge of the world around us.

~~4. There~~

HB 377 is very common sense Kilo of bill, it is not a way to turn Montana into a zoo take over private land or protectant woun
I urge the committee to pass HB 377. Thank

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, MY NAME IS JO BRUNNER AND I REPRESENT THE MEMBERS OF THE WOMEN INVOLVED IN FARM ECONOMICS ORGANIZATION HERE TODAY. MR. CHAIRMAN, OUR MEMBERS, APPROXIMATELY 400 FAMILIES, HAVE DISCUSSED THIS BILL AND WE VOTED OVERWHELMINGLY TO OPPOSE ANY EFFORTS TO ENABLE THE 1973 LAW THAT ALLOWS MANAGEMENT OF NON-GAME SPECIES AND RULES AND REGULATIONS THAT WILL BE MADE AND ENFORCED BY THE FISH, WILDLIFE AND PARKS DEPARTMENT WITH LITTLE OR NO CRITERIA TO FOLLOW FROM OTHER INTERESTS.

IT IS MY INTENT TO ADDRESS MY REMARKS TO THE LAW ITSELF, AND THE FEDERAL NON-GAME FISH AND WILDLIFE CONSERVATION ACT OF 1978 AS IT APPLIES TO THE MONTANA 1973 LAW.

W.I.F.E. WISHES YOU TO UNDERSTAND THAT WHILE WE ARE NOT IN FAVOR OF THE METHOD OF FUNDING PROPOSED IN THIS BILL, IT IS THE ORIGINAL LAW ITSELF THAT IS OUR CONCERN - - - AND PERHAPS OUR MAJOR CONCERN IS THE ALLEGATION THAT THIS LAW AND THE ENFORCEMENT OF THE LAW HAS TO HAVE LEGISLATIVE BLESSINGS BEFORE ANY RULES, REGULATIONS, PROGRAMS, ET CETERA, MAY BE PUT INTO EFFECT. NOT SO!!! ONLY TWICE, AND THEN IN THE SAME SECTION, IS THERE REFERENCE TO LEGISLATIVE APPROVAL. IF YOU WILL TURN TO PAGE 2 OF THE MONTANA LAW I HAVE SUPPLIED YOU WITH, THE BLACK EDGED SHEETS - - MOST PROPHETIC, I BELIEVE - - AND TO 87-5-105 THE BOTTOM PARAGRAPH, PAGE 2, IT SAYS "(1) THE DEPARTMENT SHALL ISSUE MANAGEMENT REGULATIONS." SKIP DOWN A SENTENCE AND IT GOES ON, "THE DEPARTMENT MAY FROM TIME TO TIME AMEND SUCH REGULATIONS ON THE APPROVAL OF THE LEGISLATURE BY ADDING OR DELETING THEREFROM SPECIES OR SUBSPECIES OF NONGAME WILDLIFE." IT DOES VERY CLEARLY NOT SAY THAT THE LEGISLATURE HAS TO APPROVE THE RULES AND REGULATIONS THE DEPARTMENT MAKES -- IT SAYS THAT WHEN A DECISION IS MADE TO ADD OR DELETE A SPECIES OR SUBSPECIES, THE LEGISLATURE MUST APPROVE THAT CHANGE. THAT CHANGE!!!

IF YOU WILL READ ON TO PARAGRAPH 2, IT STATES "THE DEPARTMENT MAY MAKE SUCH CHANGES IN THE PROPOSED REGULATIONS AS ARE CONSISTENT WITH EFFECTIVE MANAGEMENT OF NONGAME WILDLIFE AS DESIGNATED BY THE LEGISLATURE." SO WE HAVE HERE TWO SETS OF RULES, ONE MADE BY THE DEPARTMENT THAT MUST BE CONSISTENT WITH THE DESIGNATED RULES BY THE LEGISLATURE -- AND THOSE TWO SETS OF RULES ONLY HAVE TO BE CONSISTENT -- NOT EXACT, BUT CONSISTENT. A DEFINITION OF CONSISTENT IS - - NOT OUT OF HARMONY, NOT CONTRADICTORY - - SO AS LONG AS THE REGULATIONS ARE NOT CONTRADICTORY TO THE REGULATIONS OF THE LEGISLATURE, THE DEPARTMENT WILL BE ON SAFE GROUND. WE VIEW THIS IN THE SAME LIGHT AS THE LITTLE BOY WHO ATE ALL THE ICE CREAM, BUT DIDN'T TOUCH THE CAKE HIS MOTHER TOLD HIM NOT TO EAT.

WE ARE TOLD OFTEN THAT THE CONNECTION BETWEEN MANAGING AND ENDANGERED ARE SO FAR APART AS TO BE NEARLY UNATTAINABLE -- AND LET ME EMPHASIZE THAT WE ARE NOT OPPOSED TO PROTECTING ENDANGERED SPECIES, OR ANY SPECIES FOR THAT MATTER, WE DO NOT DISCRIMINATE AGAINST A SPECIES SIMPLY BECAUSE IT IS NOT ENDANGERED -- BUT IT IS MY INTENT TO SHOW TO YOU THE PROBLEMS WE HAVE WITH ENABLING OF THE LAW - - - A 10 YEAR OLD LAW - - - 87-5-107 EXPLAINS THE CRITERIA OF ENDANGERED SPECIES. AFTER THE LAW WAS PASSED IN 1973, THAT BY JULY 1, 1973 THE DEPARTMENT SHOULD RECOMMEND TO THE LEGISLATURE THE LIST OF SPECIES AND SUBSPECIES DETERMINED TO BE ENDANGERED AND IN SUBSECTION 2 THAT IT MUST BE REVISED EVERY TWO YEARS THEREAFTER.

87-5-108 CONCERNS THE ESTABLISHMENT OF PROGRAMS - - NOT REGULATIONS, BUT PROGRAMS - - AS ARE DEEMED NECESSARY FOR MANAGEMENT FOR NONGAME AND ENDANGERED WILDLIFE -- IF IT IS NECESSARY TO BUY LANDS AND WATER FOR THE MANAGEMENT OF NONGAME SPECIES, THE DIRECTOR OF THE DEPARTMENT SHALL ESTABLISH SUCH PROGRAMS -- AS ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS SECTION AND SECTION 87-5-109.

WHAT IS SECTION 87-5-109? IF FOR SOME REASON ONE OF THOSE NONGAME,

MANAGED SPECIES GOT OUT OF HAND OR PROVED HARMFUL, DID SOME DAMAGE TO OUR CROPS OR BUILDINGS, SAY A RABID BAT BIT OUR DOG, YOU OR I COULD NOT DESTROY THAT DESIGNATED NONGAME SPECIES BECAUSE THE LAW SAYS THAT -- PAGE 4, LAST PARAGRAPH, LAST SENTENCE -- PROVISIONS FOR REMOVAL, CAPTURE OR DESTRUCTION OF NONGAME WILDLIFE FOR THE PURPOSES SET FORTH ABOVE SHALL BE SET FORTH IN REGULATIONS BY THE DEPARTMENT PURSUANT TO 87-5-104. AND WHAT IS THAT REGULATION? - I'LL READ IT TO YOU. 87-5-104 REGULATIONS TO MANAGE NONGAME WILDLIFE. "THE DEPARTMENT SHALL CONDUCT INVESTIGATIONS ON NONGAME WILDLIFE IN ORDER TO DEVELOP INFORMATION RELATING TO POPULATION, DISTRIBUTION, HABITAT NEEDS, LIMITING FACTORS, AND OTHER BIOLOGICAL AND ECOLOGICAL DATA TO DETERMINE MANAGEMENT MEASURES NECESSARY FOR THEIR CONTINUED ABILITY TO SUSTAIN THEMSELVES SUCCESSFULLY. THE DEPARTMENT SHALL CONDUCT ONGOING INVESTIGATIONS OF NONGAME WILDLIFE." -- WHILE THIS SEEMINGLY HAS LITTLE OR NOTHING TO DO WITH THE PREVIOUS REGULATION, THAT REGULATION CERTAINLY HAS SOMETHING TO DO WITH THE DEFINITION OF WHAT TO TAKE MEANS -- AND IF YOU WILL READ THE HEADING OF 87-5-109, IT SAYS "TAKING OF SPECIES FOR EDUCATIONAL, SCIENTIFIC, OR OTHER PURPOSES," AND THEN TO PAGE 2, PARAGRAPH 7, "TAKE" MEANS TO HARASS, HUNT, CAPTURE, OR KILL OR ATTEMPT TO HARASS, HUNT, CAPTURE, OR KILL WILDLIFE.

87-5-112 ALLOWS THE IMPORTATION OF A SPECIES NOT NATIVE TO OUR STATE FOR MANAGEMENT.

MR. CHAIRMAN, WE HAVE HEARD OFTEN IN THE LAST TWO YEARS THE STATEMENT THAT WE SHOULD PREFER TO WORK WITH STATE RULES AND REGULATIONS AS FAR AS NONGAME MANAGEMENT GOES, AND I ASSURE YOU THAT IF THAT WERE AT ALL POSSIBLE, W.I.F.E. WOULD BE ALL FOR IT. I'M AFRAID THOUGH THAT WISHFUL THINKING WILL NOT MAKE IT SO, OR THAT THE PROPONENTS OF THIS BILL SAYING IT OVER AND OVER WILL MAKE IT SO.

I HAVE GIVEN YOU ALL A COPY OF H.R. 10255, THE FEDERAL NONGAME FISH AND WILDLIFE CONSERVATION ACT OF 1973 -- THE FEDERAL LAW THAT THE

PROPOSERS WOULD HAVE US BELIEVE WE CAN ESCAPE. I AM NOT GOING TO GO THROUGH IT STEP BY STEP BECAUSE I KNOW IT IS LENGTHY AND I REALIZE THAT THERE ARE OTHERS WHO WISH TO TESTIFY ON THIS MATTER, BUT I WOULD ASK THAT YOU DO GO THROUGH IT. I WILL SUMMARIZE THE IDEAS THAT WE SHOULD LIKE YOU TO LOOK FOR.

SECTION 2, PAGE 3 STATES THE PURPOSE OF THE ACT -- TO FINANCIALLY ASSIST THE STATES TO ENABLE THEM TO DEVELOP A NONGAME FISH AND WILDLIFE PLAN -- TO GIVE THEM FINANCIAL ASSISTANCE AND TO DIRECT ALL FEDERAL DEPARTMENTS AND AGENCIES TO ASSIST THE STATES IN SUCH EFFORTS. IF YOU TURN TO PAGE 4, PARAGRAPH 4 YOU HAVE THE FEDERAL TERM FOR MANAGEMENT -- PAGE 5, TOP OF THE PAGE, TELLS YOU THAT ANY FISH AND WILDLIFE WITH THE STATE NOT TAKEN FOR SPORT OR FOOD, AND ON LINES 7 AND 8, NOT CONSIDERED ENDANGERED SHOULD BE DEEMED TO BE NONGAME FISH AND WILDLIFE. WHEN YOU GET TO PAGE 6, LINES 7 THROUGH 15, YOU WILL FIND THE PLAN STANDARDS WHICH INCLUDES THE DESIGNATED STATE AGENCY VESTED WITH THE OVERALL RESPONSIBILITY FOR THE DEVELOPMENT OF THE MANAGEMENT PROGRAM -- IN MONTANA, THE FISH, WILDLIFE AND PARK DIRECTOR -- WHO WOULD ALSO IMPLEMENT THE 1973 LAW -- AND IT WOULD SEEM MAKING IT QUITE DIFFICULT TO SEPARATE THE TWO PROGRAMS. IF YOU WOULD SKIP OVER TO PAGE 9, WE COME TO THE NITTY-GRITTY PORTION OF WHY THE TWO LAWS ARE INTERTWINED -- WE COULD NOT GET THE ESTIMATED \$150,000, OR THE STATES' PORTION OF THE ALLOCATED FEDERAL MONEY FOR SUCH PROGRAMS. READING ON YOU WILL FIND THAT OUR STATE MUST SUBMIT A PLAN FOR MANAGEMENT -- NOT FEDERAL MANAGEMENT, BUT STATE MANAGEMENT AND THAT IT CAN BE EITHER APPROVED OR NOT APPROVED. SO IT HAS TO BE ASSUMED IF THE PROPOSERS OF THIS BILL DO TRULY WISH TO DISASSOCIATE OUR STATE PROGRAMS AND DESIGNATION OF OUR SPECIES FROM THE FEDERAL PROGRAMS, THEY INTEND TO CEASE TO PARTICIPATE IN THE FEDERAL PROGRAMS, COMPLETE WITH THE FUNDING.

IT MAY BE OF INTEREST TO YOU TO KNOW THAT IN THE BLM LEWISTOWN DISTRICT.

WHICH TAKES IN MANY, MANY ACRES IN SEVERAL COUNTIES, THERE ARE 57 MAMMALS, THREE OF WHICH ARE ENDANGERED -- SEVERAL ARE GAME ANIMALS, PERHAPS A DOZEN COULD BE CLAIMED AS RODENTS. THERE ARE IDENTIFIED 40 FISH, SEVEN AMPHIBIANS, 13 REPTILES, 257 BIRDS, WHICH INCLUDES THE BALD EAGLE AND PERHAPS A DOZEN GAME BIRDS. THESE ANIMALS AND BIRDS SHARE THIS HUGE AREA -- SOME IN CLOSE PROXIMITY, SOME NOT SO NEAR, BUT TERRITORIES INTERMIX. HOW MANY SPECIES COULD BE "MANAGED" WITHOUT "MANAGING" ALL THOSE IN CLOSE PROXIMITY? IF THIS COULD BE DONE, IF ONLY THE "MANAGED" SPECIES WERE AFFECTED, YOU WOULD FIND LITTLE COMPLAINT FROM AGRICULTURE, BUT WHEN WE CANNOT CONTROL COYOTES KILLING OUR LIVESTOCK BECAUSE OF A SUPPOSED SIGHTING OF A WOLF - THAT INCIDENTALLY PROVED FALSE -- WHEN WE CANNOT CONTROL GOPHERS OR GRASSHOPPERS BECAUSE OF A SUSPECTED BLACKFOOTED FERRET SIGHTING, WHICH INCIDENTALLY ALSO PROVED FALSE - WHEN IT IS RECOMMENDED THAT WE DO NOT POISON OUR GOPHERS UNTIL AFTER THE MIDDLE OF JULY BECAUSE A GRIZZLY MIGHT EAT ENOUGH OF THEM TO DIE, ALTHOUGH JUST HOW MUCH THAT TAKES HAS NOT BEEN DETERMINED -- AND DESPITE THE FACT THAT BY JULY 15 OUR CROPS ARE RIPENING AND THE GREATER DEGREE OF HARM AND DAMAGE HAS BEEN ACCOMPLISHED BY THE GOPHERS; WHEN WE HAVE RULES AND REGULATIONS REQUESTED THAT DO NOT ALLOW US TO POISON THOSE GOPHERS IN AN EFFECTIVE MANNER OR NEAR A BODY OF RUNNING WATER - REGULATIONS THAT WOULD HAVE VERY EFFECTIVELY ELIMINATED THE 80,000 ACRE IRRIGATION DISTRICT I LIVE ON WITHIN A FEW YEARS TIME -- THEN WE BEGIN TO ADD THEM ALL TOGETHER AND WHETHER IT IS IN RODENT CONTROL, WHICH WE ARE TOLD HAS NOTHING TO DO WITH THIS AT ALL, OR IN ENDANGERED SPECIES ASSOCIATION OR BURROWING OWLS, WHO SPRING AFTER SPRING GET THEIR NESTS DROWNED OUT AND SEEM TO KEEP COMING BACK ANYHOW, OR THE FLOCKS OF BLUEBIRDS WHICH FLY THROUGH OUR COUNTRY EVERY 7 TO 8 YEARS AND WE DON'T SEE AGAIN UNTIL THEIR CLYCE BRINGS THEM AROUND ONCE MORE, WE ADD THEM ALTOGETHER AND WE KNOW WHO IS BEING MANAGED.

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, I APPRECIATE YOUR ATTENTION FOR THIS TESTIMONY. W.I.F.E. IS SURE THAT YOU ALL DO REALIZE THE IMPORTANCE AGRICULTURE PUTS ON WILDLIFE AND THAT, IN GENERAL, WE ARE INDEED PROTECTORS OF IT. WE DO NOT BELIEVE, HOWEVER, THAT OUR OPERATIONS SHOULD BE MANAGED BY WILDLIFE. WE AGREE THAT WE COULD BE PROJECTING PROBLEMS AND TROUBLE. IF WE ARE GUNSHY, WE HAVE GOOD REASON, AS I AM SURE YOU WELL KNOW. BUT WE DO SUGGEST THAT THE PROPONENTS OF THIS BILL HAVE ONLY SPECULATIONS OF THE DEMISE OF MANY OF THE SPECIES; THAT THEY CAN ONLY GO ON PROJECTED DATA OF HOW MANY OF THOSE SEVERAL HUNDRED SPECIES ARE IN DANGER, OR ARE IN DANGER OF BEING IN DANGER OF EXTINCTION.

W.I.F.E. BELIEVES ALSO THAT AGRICULTURE IS FORCED OVER AND OVER AGAIN TO CHASE ENDLESS IMPROBABLE THEORIES AND WE ARE TIRED OF THIS TYPE OF MANAGEMENT OF AGRICULTURE. AND WE SAY THIS WITH A FIRM CONVICTION -- WHEN THE ORGANIZATIONS AND PEOPLE WHO PUSH FOR LEGISLATION WHERE THE MAJOR CONCERN IS MANAGING LANDS THROUGH THE MANAGING OF SPECIES OF ANIMALS, ET CETERA, WHEN THEY CAN PROVE WITHOUT A DOUBT BY THE SAME CRITERIA THEY HAVE CONSTANTLY PUSHED ON AGRICULTURE, WHEN THEY CAN PROVE THAT THIS LAW WILL NOT BE HARMFUL TO OUR GENERATION -- TO OUR CHILDREN'S GENERATION - TO OUR POSTERITY FOR YEARS TO COME -- THEN WE WILL JOIN THEM. ONLY THEN!!!

THANK YOU.

- 87-5-402. Posting of notice and additional provisions.
- 87-5-403. Sun River game preserve.
- 87-5-404. Flathead Lake bird preserve.
- 87-5-405. Teton-Spring Creek bird preserve — special archery season.
- 87-5-406. Gates of the Mountains game preserve.

Part 5 — Stream Protection

- 87-5-501. State policy.
- 87-5-502. Notice of construction or hydraulic projects.
- 87-5-503. Investigation of construction plans.
- 87-5-504. Notice of department findings and alternative plans.
- 87-5-505. Arbitration of disputes.
- 87-5-506. Vested water rights preserved and emergency actions excepted.
- 87-5-507. Irrigation projects excepted.
- 87-5-508. Federal actions injuring fish and wildlife.
- 87-5-509. Penalty and restoration.

Part 1

Nongame and Endangered Species

87-5-101. Short title. This part shall be known and may be cited as "The Nongame and Endangered Species Conservation Act".

History: En. Sec. 1, Ch. 461, L. 1973; R.C.M. 1947, 26-1801.

87-5-102. Definitions. As used in this part, the following definitions apply:

(1) "Ecosystem" means a system of living organisms and their environment, each influencing the existence of the other and both necessary for the maintenance of life.

(2) "Endangered species" means any species or subspecies of wildlife actively threatened with extinction due to any of the following factors:

(a) the destruction, drastic modification, or severe curtailment of its habitat;

(b) its overutilization for scientific, commercial, or sporting purposes;

(c) the effect on it of disease, pollution, or predation;

(d) other natural or man-made factors affecting its prospects of survival or recruitment within the state; or

(e) any combination of the foregoing factors.

(3) "Management" means the collection and application of biological information for the purposes of increasing the number of individuals within species and populations of wildlife up to the optimum carrying capacity of their habitat and maintaining such levels. The term includes the entire range of activities that constitute a modern scientific resource program including but not limited to research, census, law enforcement, habitat acquisition and improvement, and education. Also included within the term, when and where appropriate, is the periodic or total protection of species or populations as well as regulated taking.

(4) "Nongame wildlife" means any wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean, or other wild animal not otherwise legally classified by statute or regulation of this state. Animals designated by statute or

Ex. 11 HB 377

regulation of this state as predatory in nature are not classified as nongame wildlife for purposes of this part.

(5) "Optimum carrying capacity" means that point at which a given habitat can support healthy populations of wildlife species, having regard to the total ecosystem, without diminishing the ability of the habitat to continue that function.

(6) "Person" means any individual, firm, corporation, association, or partnership.

(7) "Take" means to harass, hunt, capture, or kill or attempt to harass, hunt, capture, or kill wildlife.

(8) "Wildlife" means any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean, or other wild animal or any part, product, egg, or offspring or the dead body or parts thereof.

History: En. Sec. 2, Ch. 461, L. 1973; amd. Sec. 12, Ch. 417, L. 1977; R.C.M. 1947, 26-1802(3), (part 4), (5) thru (10).

87-5-103. Legislative policy. The legislature finds and declares all of the following:

(1) that it is the policy of this state to manage certain nongame wildlife for human enjoyment, for scientific purposes, and to insure their perpetuation as members of ecosystems;

(2) that species or subspecies of wildlife indigenous to this state which may be found to be endangered within the state should be protected in order to maintain and to the extent possible enhance their numbers;

(3) that the state should assist in the protection of species or subspecies of wildlife which are deemed to be endangered elsewhere by prohibiting the taking, possession, transportation, exportation, processing, sale or offer for sale, or shipment within this state of species or subspecies of wildlife unless such actions will assist in preserving or propagating the species or subspecies.

History: En. Sec. 3, Ch. 461, L. 1973; R.C.M. 1947, 26-1803.

87-5-104. Investigations by department. The department shall conduct investigations on nongame wildlife in order to develop information relating to population, distribution, habitat needs, limiting factors, and other biological and ecological data to determine management measures necessary for their continued ability to sustain themselves successfully. The department shall conduct ongoing investigations of nongame wildlife.

History: En. Sec. 4, Ch. 461, L. 1973; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-1804(part).

87-5-105. Regulations to manage nongame wildlife. (1) On the basis of the determinations made pursuant to 87-5-104, the department shall issue management regulations. Such regulations shall set forth species or subspecies of nongame wildlife which the department deems in need of management pursuant to 87-5-104 through 87-5-106, giving their common and scientific names by species and subspecies. The department may from time to time amend such regulations on the approval of the legislature by adding or deleting therefrom species or subspecies of nongame wildlife.

(2) The department shall by such regulations establish proposed limitations relating to taking, possession, transportation, exportation, processing, sale or offer for sale, or shipment as may be deemed necessary to manage

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such nongame wildlife. The department may make such changes in the proposed regulations as are consistent with effective management of nongame wildlife as designated by the legislature.

History: En. Sec. 4, Ch. 461, L. 1973; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-1804(part).

87-5-106. Unlawful acts. Except as provided in regulations issued by the department, it shall be unlawful for any person to take, possess, transport, export, sell, or offer for sale nongame wildlife deemed by the department to be in need of management. Subject to the same exception, it shall further be unlawful for any common or contract carrier knowingly to transport or receive for shipment nongame wildlife deemed by the department to be in need of management.

History: En. Sec. 4, Ch. 461, L. 1973; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-1804(3).

87-5-107. List of endangered species. (1) (a) On the basis of investigations on nongame wildlife provided for in 87-5-104 and other available scientific and commercial data and after consultation with other state wildlife agencies, appropriate federal agencies, and other interested persons and organizations but not later than 1 year after July 1, 1973, the department shall recommend to the legislature a list of those species and subspecies of wildlife indigenous to the state which are determined to be endangered within this state, giving their common and scientific names by species and subspecies.

(b) The department shall have authority to recommend that the legislature include any species or subspecies of fish and wildlife appearing on the United States' list of endangered native fish and wildlife (part 17 of Title 50 of the Code of Federal Regulations, appendix D) as it appears on July 1, 1973, as well as any species or subspecies of fish and wildlife appearing on the United States' list of endangered foreign fish and wildlife (part 17 of Title 50 of the Code of Federal Regulations, appendix A), as such list may be modified hereafter.

(2) The department shall conduct a review of the state list of endangered species within not more than 2 years from its effective date and every 2 years thereafter. The department shall request the legislature to amend the list by such additions or deletions as are deemed appropriate and at such times as are deemed appropriate.

(3) Except as otherwise provided in this part, it shall be unlawful for any person to take, possess, transport, export, sell, or offer for sale and for any common or contract carrier knowingly to transport or receive for shipment any species or subspecies of wildlife appearing on any of the following lists:

(a) the list of wildlife indigenous to the state determined to be endangered within the state pursuant to subsection (1);

(b) any species or subspecies of fish and wildlife included by the department and appearing on the United States' list of endangered native fish and wildlife (part 17 of Title 50, Code of Federal Regulations, appendix D) as it appears on July 1, 1973; and the United States' list of endangered foreign fish and wildlife (part 17 of Title 50, Code of Federal Regulations, appendix A), as such list may be modified hereafter.

(4) Any species or subspecies of wildlife appearing on any of the foregoing lists which enters the state from another state or from a point outside the territorial limits of the United States and which is transported across the

state destined for a point beyond the state may be so entered and transported without restriction in accordance with the terms of any Federal permit or permit issued under the laws or regulations of another state.

(5) In the event the United States' list of endangered native fish and wildlife is modified subsequent to July 1, 1973, by additions or deletions, such modifications, whether or not involving species or subspecies indigenous to the state, may be accepted as binding under subsections (3) and (4) if, after the type of scientific determination described in subsection (1), the department recommends and the legislature accepts such modification for the state.

History: Ap. p. Sec. 5, Ch. 461, L. 1973; amd. Sec. 13, Ch. 417, L. 1977; Sec. 26-1805, R.C.M. 1947; Ap. p. Sec. 2, Ch. 461, L. 1973; amd. Sec. 12, Ch. 417, L. 1977; Sec. 26-1802, R.C.M. 1947; R.C.M. 1947, 26-1802(part (4)), 26-1805.

87-5-108. Establishment of programs. (1) The director shall establish such programs, including acquisition of land or aquatic habitat, as are deemed necessary for management of nongame and endangered wildlife. The department shall establish such policies as are necessary to carry out the purpose of this section and 87-5-109.

(2) In carrying out programs authorized by this section, the department may enter into agreements with federal agencies, political subdivisions of the state, or with private persons for administration and management of any area established under this section and 87-5-109 or utilized for management of nongame or endangered wildlife.

(3) The governor shall review other programs administered by him and, to the extent practicable, utilize such programs in furtherance of the purposes of this section and 87-5-109. The governor shall also encourage other state and federal agencies to utilize their authorities in furtherance of the purposes of this section and 87-5-109.

History: En. Sec. 6, Ch. 461, L. 1973; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-1806(1) thru (3).

87-5-109. Taking of species for educational, scientific, or other purposes. (1) The director may permit the taking, possession, transportation, exportation, or shipment of species or subspecies of wildlife which appear on the state list of endangered species, on the United States' list of endangered native fish and wildlife, as amended and accepted in accordance with 87-5-107(5), or on the United States' list of endangered foreign fish and wildlife, as such list may be modified hereafter, for scientific, zoological, or educational purposes, for propagation in captivity of such wildlife, or for other special purposes.

(2) Upon good cause shown and where necessary to alleviate damage to property or to protect human health, endangered species may be removed, captured, or destroyed but only pursuant to permit issued by the director and, where possible, by or under the supervision of an agent of the department. Endangered species may be removed, captured, or destroyed without permit by any person in emergency situations involving an immediate threat to human life. Provisions for removal, capture, or destruction of nongame wildlife for the purposes set forth above shall be set forth in regulations issued by the department pursuant to 87-5-104.

History: En. Sec. 6, Ch. 461, L. 1973; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-1806(4) (5).

87-5-110. Department to issue regulations. The department shall issue such regulations as are necessary to carry out the purposes of this part.

History: En. Sec. 7, Ch. 461, L. 1973; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-1807.

87-5-111. Enforcement and penalty. (1) Any person who violates the provisions of this part or whoever fails to procure or violates the terms of any permit issued thereunder shall be guilty of a misdemeanor.

(2) Upon a first conviction for a violation under this part, the court may fine the defendant not to exceed \$250. Upon a second such conviction, the defendant may be fined not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 30 days, or both. Upon subsequent such convictions, the defendant shall be fined not less than \$500 or more than \$1,000 and in addition may be imprisoned in the county jail for any term not to exceed 6 months.

(3) Any officer employed and authorized by the director or any peace officer of the state or of any municipality or county within the state shall have authority to enforce the provisions of this part.

(4) Wildlife seized under the provisions of this part shall be held by an officer or agent of the department pending disposition of court proceedings and thereafter be forfeited to the state for disposition as the director may deem appropriate. Prior to forfeiture, the director may direct the transfer of wildlife so seized to a qualified zoological, educational, or scientific institution for safekeeping. The department is authorized to issue regulations to implement this subsection.

History: En. Sec. 8, Ch. 461, L. 1973; amd. Sec. 1, Ch. 359, L. 1975; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-1808.

87-5-112. Construction. None of the provisions of this part shall be construed to apply retroactively or to prohibit importation into the state of wildlife which may be lawfully imported into the United States or lawfully taken or removed from another state or to prohibit entry into the state or possession, transportation, exportation, processing, sale or offer for sale, or shipment of any wildlife whose species or subspecies is deemed to be threatened with statewide extinction in this state but not in the state where originally taken, if the person engaging therein demonstrates by substantial evidence that such wildlife was lawfully taken or removed from such state; provided that this subsection shall not be construed to permit the possession, transportation, exportation, processing, sale or offer for sale, or shipment within this state of wildlife on the United States' list of endangered native fish and wildlife, as amended and accepted in accordance with 87-5-107(5), except as permitted in the provision by 87-5-107(3) and (4) and 87-5-109(1).

History: En. Sec. 9, Ch. 461, L. 1973; R.C.M. 1947, 26-1809(1).

Part 2

Wild Birds — Regulation of Raptors

87-5-201. Protection of wild birds and their nests and eggs. It is unlawful for a person to hunt, capture, kill, possess, purchase, offer or expose for sale, ship, or transport any wild bird, other than a game bird, or

95TH CONGRESS
1ST SESSION

H. R. 10255

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HB 377

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 1977

Mr. FORSYTHE (for himself, Mr. LEGGETT, Mr. MURPHY of New York, Mr. DINGELL, Mr. BOWEN, Mr. YOUNG of Alaska, Mr. OBERSTAR, Mr. ANDERSON of California, Mr. BAUMAN, Mr. DE LA GARZA, Mr. BREAUX, Mr. EMERY, Mr. STUDDS, Mr. BONKER, Mr. DORNAN, Mr. MCCOIN, Mr. TRIBLE, Mr. HUGHES, and Mr. AKAKA) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

A BILL

To assist the States in developing comprehensive fish and wildlife resource management plans and in implementing such plans with respect to nongame fish and wildlife.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That this Act may be cited as the "Nongame Fish and Wild-
4 life Conservation Act of 1978".

5 SEC. 2. DECLARATION OF FINDINGS AND PURPOSE.

6 (a) FINDINGS.—The Congress finds and declares the
7 following:

8 (1) Fish and wildlife are of ecological, economic,

1 educational, esthetic, historical, recreational, and scien-
2 tific value to the Nation and its people.

3 (2) The improved conservation of fish and wildlife,
4 particularly nongame fish and wildlife, would assist in
5 maintaining a diversity of fish and wildlife and assuring
6 a productive and more esthetically pleasing environment
7 for all citizens.

8 (3) Many citizens, particularly those residing in
9 urban areas, have insufficient opportunity to participate
10 in recreational and other programs designed to foster
11 human interaction with nongame fish and wildlife and
12 thereby are unable to have a greater appreciation and
13 awareness of the environment.

14 (4) Existing State conservation programs for non-
15 game fish and wildlife have been supported largely on
16 the basis of hunting and fishing license revenues and
17 excise taxes on certain hunting and fishing equipment,
18 and these traditional financing mechanisms are neither
19 adequate nor fully appropriate to meet the conservation
20 needs of nongame fish and wildlife.

21 (5) Each State should be encouraged to develop,
22 expand, and maintain, in urban and nonurban areas, and
23 in consultation with the local governments concerned, a
24 management plan for the conservation of fish and wild-

1 life, particularly those species which are indigenous to
2 the State.

3 (b) PURPOSE.—It is the purpose of this Act—

4 (1) to provide financial and technical assistance to
5 the States to enable them to develop comprehensive fish
6 and wildlife resource management plans that are con-
7 sistent with this Act;

8 (2) to provide financial and technical assistance to
9 the States to enable them to implement such manage-
10 ment plans with respect to nongame fish and wildlife;
11 and

12 (3) to direct all Federal departments and agencies
13 (A) to assist the States to develop such management
14 plans; and (B) to the maximum extent practicable, to
15 administer programs under their jurisdiction in a manner
16 consistent with approved management plans.

17 SEC. 3. DEFINITIONS.

18 As used in this Act—

19 (1) The terms “conserve”, “conserving”, and
20 “conservation” mean to use such methods and proce-
21 dures which are necessary to ensure, to the extent practi-
22 cable and desirable, the health and productivity of fish
23 and wildlife and their habitats for the educational,
24 esthetic, historical, recreational, and scientific enrich-

1 ment of the public. Such methods and procedures may
2 include any activity associated with scientific resource
3 management, such as research, census, monitoring, law
4 enforcement, habitat acquisition, development and main-
5 tenance, information and education, extension services
6 propagation, live trapping, and transplantation.

7 (2) The term "designated State agency" means the
8 commission, department, division or other agency of a
9 State which has primary legal authority for the con-
10 servation of fish and wildlife. If any State has placed
11 such authority in more than one agency, such term
12 means each such agency acting with respect to its as-
13 signed responsibilities.

14 (3) The term "fish and wildlife" means any wild
15 vertebrate animal which is in an unconfined state and
16 is valued for cultural, scientific, educational, esthetic, or
17 recreational benefits by the public.

18 (4) The term "management plan" means a compre-
19 hensive fish and wildlife resource management plan re-
20 ferred to in section 4.

21 (5) The term "nongame fish and wildlife" means
22 any fish and wildlife which—

23 (A) is not ordinarily taken for sport or food,
24 except that if under applicable State law, any such

1 fish and wildlife may be taken for sport or food in
2 some, but not all, areas of the State, any of such
3 fish and wildlife within any area of the State in
4 which such taking is not permitted shall be deemed
5 to be nongame fish and wildlife;

6 (B) is not listed as an endangered species or
7 threatened species under the Endangered Species
8 Act of 1973 (16 U.S.C. 1531-1543); and

*Same
ES are
assoc. with
nongame*

9 (C) is not a marine mammal within the mean-
10 ing of section 3 (5) of the Marine Mammal Protec-
11 tion Act of 1972 (16 U.S.C. 1362 (5)).

12 Such term does not include any domesticated animal
13 which has reverted to a feral existence.

14 (6) The term "Secretary" means the Secretary
15 of the Interior.

16 (7) The term "State" means any of the several
17 States, the District of Columbia, the Commonwealth of
18 Puerto Rico, American Samoa, the Virgin Islands,
19 Guam, the Commonwealth of the Northern Mariana
20 Islands, and the Trust Territory of the Pacific Islands.

21 SEC. 4. STANDARDS FOR COMPREHENSIVE FISH AND
22 WILDLIFE RESOURCE MANAGEMENT PLANS.

23 (a) IN GENERAL.—The Secretary may make grants
24 under section 5 to any State for the purpose of assisting

1 such State to develop a comprehensive fish and wildlife
2 resource management plan which is consistent with the
3 plan standards referred to in subsection (b).

4 (b) PLAN STANDARDS.—The Secretary shall prescribe
5 by regulation such standards as the Secretary deems neces-
6 sary and appropriate to provide that management plans de-
7 veloped by the States under this Act result in the conserva-
8 tion of fish and wildlife and their habitats in a systematic
9 and comprehensive manner. The plan standards prescribed
10 under this subsection shall set forth the format in which the
11 plans shall be prepared and shall include, but not be limited
12 to, standards requiring—

13 (1) the vesting in the designated State agency of
14 the overall responsibility for the development of the
15 management plan;

16 (2) the identification of fish and wildlife within the
17 State;

18 (3) the determination of the range and distribution
19 of the populations of significant fish and wildlife identi-
20 fied under paragraph (2);

21 (4) the determination of the extent, location, and
22 carrying capacity of significant fish and wildlife habitats;

23 (5) the determination of those actions which must
24 be taken to conserve the fish and wildlife populations
25 and habitats determined under paragraphs (3) and (4),

1 and the estimated time and cost required to effect each
2 such action;

3 (6) the determination of priorities for implementing
4 the conservation actions determined under paragraph
5 (5);

6 (7) the monitoring, on a continuing basis, of the
7 fish and wildlife identified under paragraph (2), and the
8 effectiveness of the conservation actions determined under
9 paragraph (5);

10 (8) that plans be for a period of not less than
11 5 years and be based upon projections of the desires
12 and needs of the public for a period of not less than
13 15 years;

14 (9) that plans be updated at intervals of not more
15 than 3 years;

16 (10) that the public be provided reasonable oppor-
17 tunity to make its views known, and considered during
18 the development, revision, and implementation of the
19 plan; and

20 (11) the designated State agency to consult, as
21 appropriate, with local and regional governments in
22 the State during the development, revision, and imple-
23 mentation of the plan.

24 All identifications and determinations required to be made
25 under management plans pursuant to paragraphs (2), (3),

1 (4), (5), and (6) shall be made on the basis of the best
2 scientific evidence available at the time when made.

3 (c) REGULATIONS.—Interim regulations to carry out
4 subsection (b) shall be issued by the Secretary as soon as
5 practicable after the date of the enactment of this Act, but
6 not later than 6 months after such date; except that before
7 proposing such interim regulations, the Secretary shall consult
8 with the States and give them opportunity to submit com-
9 ments with respect to the content of the regulations. Final
10 regulations to carry out subsection (b) shall be issued by
11 the Secretary not later than 18 months after such date of
12 enactment.

13 SEC. 5. GRANTS FOR THE DEVELOPMENT OF MANAGE-
14 MENT PLANS.

15 (a) IN GENERAL.—Any State may apply to the Secre-
16 tary for annual grants under this section to assist the State
17 in developing a management plan.

18 (b) APPLICATIONS.—Application for grants under this
19 section shall be made in such form and manner as the Secre-
20 tary shall by regulation prescribe and shall contain such
21 information as is reasonably necessary to enable the Secre-
22 tary to determine whether the State meets the eligibility
23 requirements set forth in subsection (c).

24 (c) ELIGIBILITY.—No State is eligible for any grant
25 under this section unless the State—

(1) gives such assurances as are satisfactory to the Secretary that the State will develop a management plan which is consistent with the standards prescribed under section 4; and

(2) submits to the Secretary a preliminary estimate of the cost, and of the time required, to develop the plan.

(d) GRANTS.—Subject to section 8, the Secretary may make an annual grant to each State which the Secretary finds to be eligible under subsection (c). Any grant made under this section shall be subject to such terms and conditions as the Secretary may impose under section 9.

SEC. 6. PLAN APPROVAL.

(a) DETERMINATION BY SECRETARY.—(1) Any State which has developed a management plan may apply to the Secretary for approval of the management plan.

(2) Application for the approval of a management plan shall be made in such form and manner as the Secretary shall by regulation prescribe and shall contain such information as is necessary to enable the Secretary to determine whether the management plan proposed by the State meets the plan standards prescribed by the Secretary under section 4.

(3) Upon receipt of an application for approval, the Secretary shall—

(9)

1 (A) make copies of the proposed management plan
2 available for public inspection at such offices of the De-
3 partment of the Interior as he deems appropriate;

4 (B) cause to be published in the Federal Register
5 a notice which—

6 (i) states that application for approval of the
7 management plan has been made,

8 (ii) lists those offices of the Department of the
9 Interior at which copies of the proposed manage-
10 ment plan are available for public inspection, and

11 (iii) invites the submission, within 90 days
12 after the date of the notice, of written comment by
13 the public on the proposed management plan.

14 (4) If the Secretary determines, after taking into ac-
15 count any public comment which may have been submitted
16 under paragraph (3) (B) (iii), that any proposed manage-
17 ment plan—

18 (A) meets the plan standards prescribed under sec-
19 tion 4, the Secretary shall designate the proposed plan
20 as an approved management plan; or

21 (B) does not meet such standards, the Secretary
22 shall, within 120 days after the day on which the ap-
23 plication for approval is received, give the State con-
24 cerned a written statement of the reasons why such

Chickadee Checkoff twists state priorities by creating a revenue refuge for DNR

Ex. 11
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It does seem rather strange, doesn't it—as one revenue shortfall after another hits the state of Minnesota, as agency after agency is trimming sail and implementing reductions-in-force, as the near-indigent and truly indigent recipients of state largesse find themselves recategorized out of eligibility—that the Department of Natural Resources, relatively speaking, appears to be sitting in the catbird seat?

Appearances aren't everything, to be sure, but what state agency other than the DNR seems to have had, of late, the bucks to produce slick public-service radio and TV spot ads, like the ones bombarding the airwaves now, urging taxpayers to help the department out?

What other state agency these days can boast of an unscathed fledgling program, with a fairly new manager and four assistants about to be hired—assistants whose salaries, like that of the director, will be paid out of the so-called Chickadee Check-off?

The Chickadee Checkoff is less flippantly known as the Nongame Wildlife Check-off on the Minnesota income tax form, line 15 of which reads, "If you wish to donate \$1 or more to the Minnesota Nongame Wildlife Fund, fill in the amount here. This will reduce your refund or increase the amount you must pay."

Last year, about 170,000 people—about 10 percent of all Minnesota taxpayers—checked off contributions amounting to \$523,000; the money is being used for land acquisition and to study, manage and preserve the likes of otters, loons, bald eagles, piping plovers and peregrine falcons. And, of course, for the abovementioned salaries.

Those are commendable goals.

But what about the 90 percent of taxpayers who did not check off support for non-game wildlife—people who may just as well have preferred that the half-million dollars go to other projects, such as higher education, human services or even overall deficit reduction.

The wildlife checkoff has achieved, for the DNR but for no one else, a kind of privileged station in life, a Special Interest Nirvana. How the DNR entered the lists to the exclusion of all other combatants is one mystery; how it stays there, all alone, is another, particularly when most of us would agree that rescuing one child from being battered, or from ill health, or from



Robert L. Girouard

Personal opinion

substandard housing or mediocre schooling is at least as important as safeguarding the habitat of piping plovers.

You might say, "Well, that's Minnesota for you. People here care about wildlife." Don't they care about anything else? Of course they do.

But it's very easy to transfer crucial human concerns to non-human ones, and to even do so with a fair amount of zealotry. As Eric Hoffer observed, "Faith in a holy cause is to a considerable extent a substitute for the lost faith in ourselves."

We have lost faith in compassion; it is *infra dig*, and *saue qui peut* is the watchword of the hour.

We have lost faith in all levels of government; their problems appear too hopelessly intractable.

We have lost faith in the American Dream; usurious interest rates, steeply rising energy costs, high unemployment and chronic inflation have been our rude awakening from it.

We have lost faith, in short, in most human endeavor.

But somehow, we think, we can recapture a lost Edenic innocence merely by being kind to small furry and feathered things.

Granted, \$523,000 annually—and perhaps an even higher sum this tax season—is a drop in the bucket when compared with the DNR's total budget; is only a water molecule in that bucket, compared with the state budget as a whole.

But it's the principle of the thing that troubles me—the principle, and the vague, uneasy feeling I have that Minnesotans' romantic, outdoorsy haziness has thrown some other pressing priorities way out of focus, and has distorted the already blurry notion of quality of life into a kind of budgetary inequality of strife.

Minneapolis STAR

3/4/82

HOUSE FISH AND GAME COMMITTEE

Exhibit 12

Testimony on HB 377
Franklin Grosfield February 1, 1983

WHAT IMPACT WILL THIS PROPOSAL HAVE ON PRIVATE LANDOWNERS? MOST OF THE GAME ANIMAL HABITAT IN MONTANA IS ON PRIVATE LAND, AND SO I SUSPECT IS MOST OF THE NON-GAME HABITAT. THEREFORE, A PROPOSAL TO FUND A NON-GAME OR WATCHABLE WILDLIFE PROGRAM WITHIN THE DEPT. OF FISH, WILDLIFE AND PARKS IS OF SOME CONCERN TO ME AS A LANDOWNER.

HOW WILL THIS PROGRAM AFFECT THE RELATIONSHIP BETWEEN RANCHERS AND THE DEPARTMENT? IT'S BAD ENOUGH NOW, SO I DON'T THINK WE SHOULD DO ANYTHING TO MAKE IT WORSE. I CAN'T SEE HOW THIS PROGRAM CAN DO ANYTHING TO IMPROVE THIS RELATIONSHIP. I CAN THINK OF SEVERAL THINGS THAT IT COULD DO TO MAKE IT WORSE.

UNLESS DEPARTMENT POLICY AND DEPARTMENT PERSONNEL UNDERGO A DRAMATIC CHANGE, I'M AFRAID THAT A NON-GAME PROGRAM WOULD SIMPLY BE ANOTHER SOURCE WITHIN THE DEPARTMENT FOR THE GENERATION OF LEGISLATION, LITIGATION AND REGULATION DIRECTED AGAINST THE RANCHING COMMUNITY.

ANOTHER CONCERN IS WHETHER THE DEPARTMENT AT SOME POINT WILL TRY TO EXPAND IT'S LAND ACQUISITION PROGRAM IN ORDER TO PROVIDE NON-GAME RANGE AS IT HAS IN THE PAST FOR GAME RANGES. FOR EXAMPLE, IF THE DEPARTMENT BUYS LAND TO PROTECT ELK, WHY SHOULDN'T IT BUY LAND TO PROTECT RICHARDSON GROUND SQUIRRELS?

ONE ALSO HAS TO WONDER WHAT EFFECT THIS PROPOSAL WILL HAVE ON AGRICULTURE'S NEED TO CONTROL CERTAIN PLANT AND ANIMAL SPECIES WHICH ARE DETRIMENTAL TO FOOD PRODUCTION. WILL IT BECOME MORE DIFFICULT TO CONTROL CROP-EATING RODENTS OR LIVESTOCK-EATING PREDATORS? WILL IT BE HARDER TO CONTROL WEEDS BECAUSE THEY ARE CONSIDERED A VALUABLE SOURCE OF FOOD AND SHELTER FOR NON-GAME WILDLIFE? I SUSPECT THIS COULD VERY WELL BE THE CASE. AND FINALLY, I QUESTION WHETHER THE PROPOSED FUNDING METHOD WILL FINANCE FOR VERY LONG THE KIND OF PROGRAM THAT IT'S PROponents HAVE IN MIND, AND I WONDER HOW LONG IT WILL BE BEFORE THEY'RE BACK HERE WITH AN APPROPRIATIONS REQUEST TO KEEP IT GOING.

Exhibit 13
Opposition to HB 377

Mr. Chairman, Members of the Committee:

For the record, I am Loreaine Bellis - rancher,
Montana Farm Bureau Board Member, member of
American Farm Bureau Natural and Environmental
Resources Committee, and Chairman of the
Montana Farm Bureau Natural and Environmental
Resources Committee.

I speak in opposition to HB 377, even though
funding of a Nongame Wildlife Management
Program through a voluntary tax return check-
off seems innocuous. Certainly the Administration
Committee

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Mr. Chairman, Members of the Committee:

For the record, I am Lorraine Gillis - rancher, Montana Farm Bureau Board Member, member of American Farm Bureau Natural and Environmental Resources Committee, and Chairman of the Montana Farm Bureau Natural and Environmental Resources Committee.

I speak in opposition to HB 377, even though funding of a Nongame Wildlife Management Program through a voluntary tax return check-off seems innocuous. Certainly the Agricultural Community ~~has~~ nothing against bluebirds, but we question the validity of a program which may in time cause many of the same problems we have today with game management and pressures from extremists in the environmental conscious community. Private land owners, as well as public and all state land leases are restricted in their use of the land by regulations to protect and enhance game and endangered species.

In addition to more regulation ^{that would be} ~~and restriction~~ necessary ⁱⁿ to the process of preserving and managing nongame animals, we fear that, in time, a balanced specie population in the eyes of the Dept. may well have become an intolerable nuisance to agriculture.

This program has been functioning since 1974 adequately - please let us not create another monster.

WITNESS STATEMENT

Name Will Brooke Committee On Fish & Game
 Address Helena Date 2/1/83
 Representing Mt Grazing Assoc / Mt Stockgrowers Report Support
Mt. Cowbelles
 Bill No. HB 377 Oppose X
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. HB 377 enables the 1973 Nongame & Endangered species act which would give the Dept. authority to manage
2. land, acquire land, regulate activities which occurs on the land.
3. HB 377 sets a procedure for check-offs for other programs,
4. HB 377 provides a voluntary check off but landowners are often involuntarily ~~are~~ forced to accept nongame wildlife some of which are harmful to agriculture.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Post-Register opinion

Add fur bearers to animal list needing attention

There is a question of which end of the spectrum to start from. And having just \$102,000 to work with, it's a difficult choice.

Idaho Fish and Game Department is trying to decide what to do with the funds it has from the income tax checkoff for non-game animal management.

Naturally enough, the endangered species or rather exotic types of wildlife come to mind. The one most prominently mentioned by the department to date is the Mountain Blue Bird, the state bird, and the caribou herd of northern Idaho that is running out of numbers.

Also mentioned in a public meeting last week were bald eagles and some other animals that are unfamiliar to most people, animals with names that have to be looked up in the dictionary to find out if they are birds, mammals or reptiles.

But there should also be a pitch for animals that are visible, or at least would be visible if numbers were great enough.

And the reason they are not visible is they are trapped out of existence for their valuable furs, or their habitat has been so encroached upon that they have withdrawn into hiding. And if they are to be left to "manage" for themselves, they too could become extinct.

Maybe people are not only contributing to the fund because of their concern for wildlife, but because they want to occasionally see wildlife.

Wouldn't it be fun to happen onto a raccoon, a weaseline, or a marten, or more often a mink, beaver, weasel, fox, or even an elderly old badger. There is a case for them too — a need for intense management.

Certainly there should be concern for 15 to 20, and still diminishing, caribou in northern Idaho, the only herd left in the continental United States. But how many Idahoans who contribute to the fund are going to benefit or see that herd? Or how many are going to notice, or even recognize if they did see, a white-bill ibis or a crested cormorant?

They would recognize a raccoon or a fox or a beaver. And they would relate to it and enjoy it. But that opportunity is escaping more and more each day with reliability only on the trappers for coon and no management effort from the department for the fur bearers.

Maybe these are the types of animals people have in mind. But they get hardly a mention as candidates to come under the management umbrella.

What happens to
non-game program
expands to include
bald eagles, caribou.

Emerging as non-game controversy

It is no cause for major alarm because the return of the wolf is based on the premise that Canada is killing fewer of the carnivores, forcing the survivors to spread into new areas. This re-invasion of Idaho will take many years to accomplish and it yet remains to be proven whether Idaho's wilderness areas and big game species can support a "viable" wolf population.

The nongame and bird species project is a new effort, sanctioned by the

legislature and funded through volunteer donations from the Idaho state income tax form.

"Based on the experience of other states," said Martel Morache, who is the non-game species manager, "and on the fact that Idaho had about 400,000 individual returns, we expected that six percent of the taxpayers would participate at \$2 each. We were right on on the six percent figure but the people of Idaho showed they really cared about non-game

species and gave \$103,000."

Morache said if that participation continued, his fund would have about \$91,000 annually to spend on "mitigating" the livelihoods of Idaho's non-hunted animals and passerine birds.

But it is doubtful whether the idea of wolves in the state crossed the minds of the managers and/or the donors at the time of the project's inception.

While wolves are native to the state, they were quickly phased out by white

man when they turned to domestic livestock for their food. Wolves are very susceptible to poison baits and were pretty well erased from Idaho by the turn of the century.

"It probably was 20 or 40 years before anything close to a confirmed wolf sighting was made in this state," Morache said. "But in the last four, five, six years, we (the department) have had something over 300 sightings. We estimate there are four to seven wolves in the state now. All

single animals. The sightings have been wolves ranging from the California line down into the Payette National Forest."

Morache said that Canada has reduced its poisoning program, which has led to an increase of wolves in the land. As the surplus increases with wolves being as "territory oriented" as they are, the numbers have been forced in areas — in this case Idaho.

•See WOLF on Page D6

Morache said the wolf ideas was explained to the Idaho Livestock Association and its members last week in Boise and seemed to be accepted without a lot of disquiet.

But before progressing to that possible peril, Morache said major questions must be asked and answered. Toward that end, Idaho is considering participating with a University of Montana student and his quest for a masters thesis.

The student will spend a year to 18 months in the vast wilderness network of northern Idaho, conducting a study to see whether Idaho has the foundation for a "viable" wolf population.

"Right now what we have in Idaho are the pioneers," Morache said, comparing it to the trapper, miner, settler succession that "civilized" the state. "There would have to be the right combination of habitat and food base to keep that population growing

and remain in residence, just as man needed certain things to remain.

"The great leveller of all species is how they can do in the winter. The wolves follow big game herds and we believe less than 50 to 100 wolves would not have a big impact on our deer and elk in the wilderness areas. We believe the wolves would follow the big game into these remote wintering areas where they can hunt without interference rather than come out of the mountains into the lower areas where hunters and livestockmen would 'lean' on them," Morache said.

Morache said he doubted that population control by man would be necessary in this case because "any predator population is self limiting by prey numbers and territoriality. We

have cougars throughout the state and they give us a good example. In Pig Creek, the biggest tributary to the Middle Fork (of the Salmon River) is over 200 square miles but there are no more than 12 to 14 cougars using that range. Predators will not allow their own kind to proliferate beyond that (territoriality) range. We think we would see the same thing if a pack society develops."

Morache said there is already a case where "wolves and cows are living together in Bear Valley" without any damage done to the livestock.

"I think that we'd be less than responsible if we failed to give every species a chance to survive — if it is a benefit to humans or to the species itself," Morache said.

DAVID
CORN

Exhibit 15

MONTANA OUTDOOR RECREATION SURVEY

Prepared for
Montana Department of Fish, Wildlife, and Parks
Helena, Montana

by
Susan Selig Wallwork
Mary L. Lenihan
Paul E. Polzin

Bureau of Business and Economic Research
School of Business Administration
University of Montana
Missoula, Montana 59812

December 1980

Ex. 15
HB 371

.....Respondents strongly favored efforts by the state to maintain fish habitat and to control subdivision activities along rivers with high fishing, scenic or recreational value. The overwhelming approval of this type of subdivision regulation must be interpreted with caution because some respondents may not have been well informed about the topic.

.....When asked about who should control regulatory activities with respect to fishing habitat and the use of recreation waters, respondents always overwhelmingly said the State of Montana.

Hunting and Wildlife Management Programs

.....Forty-eight percent of all survey respondents opposed limiting the number of resident hunters in Montana; 36 percent said they were in favor of such a limit. However, opposition to resident limits was strong among hunters and in the western part of the state.

.....A limit on the number of nonresident hunters was overwhelmingly approved. More than 86 percent said they favored such a limit while only 10 percent were opposed.

.....Among those favoring the restriction of nonresident hunters, most preferred a lower limit than the current number of 17,000 nonresident big game licenses sold annually. Fifty-five percent preferred a lower figure, 32 percent preferred no change, and only 1 percent wanted an increase.

.....Of those favoring a lower limit on the number of nonresident licenses sold, 61 percent favored raising the resident license fee to make up for the revenue lost.

.....The respondents overwhelmingly opposed the idea of requiring a license to hunt small game animals. The opposition was greatest in the rural areas.

.....Respondents also opposed, by a ratio of about four to one, increased emphasis on and funding of a nongame wildlife program.

Dust
10/21

Checkoff scheme bounty for cause

Cox News Service
GRAND JUNCTION, Colo. — It started as an eleventh-hour scramble to save Colorado's peregrine falcon. Four years later, what some call a gimmick has swept into 21 states and is taking the fund-raising world by its talons.

The scheme is a checkoff box on the state income tax form that allows taxpayers getting a refund to donate a share to a worthy cause.

Much of the bounty so far has gone toward salvaging endangered species of non-game wildlife — the unhunted animals usually neglected by sport-oriented state agencies.

Increasingly, however, the champions of other causes are stepping up to cash in on the deal:

- In Oregon, taxpayers can send refund dollars to either the state's non-game program or the Oregon Arts Commission, which this year collected \$130,000 to help build new museums and other art facilities.

- In Arkansas, sports fans may soon have an expanded football stadium in Little Rock courtesy of a new refund checkoff.

- In Colorado, where it all began, a Nov. 2 ballot proposal would allow taxpayers to divert refunds to a study of how to phase out the Rocky Flats Nuclear Weapons Facility near Denver and convert it to some other function. There's also talk in the state legislature of using the same fund-raising technique to help battered women.

Fundraisers large and small are catching on.

"It seems like a pretty painless way for someone to give," said Eric Wolfe, director of the Denver-based Colorado Open Space Council, which last year used more conventional means to raise \$120,000 for its environmental work.

"I sure wouldn't rule it out. We'd consider anything," said Bill Bent, regional vice president of United Way America in San Francisco, which in 1981 raised \$1.6 billion for its cornucopia of projects.

THERE'S cause for Bent's interest. Federal funding cuts have sent non-profit groups searching for new angels.

Traditional methods — auctions, wine tastings, direct solicitations — are wearing some donors thin, while failing to tap new sources.

Also, the strained national economy is tightening everyone's purse-strings. Burgeoning unemployment rolls in the Midwest and Northeast, for instance, might cause United Way's total collections to drop this year, Bent fears.

What that spells for fundraisers is a desperate need to sharpen skills and be alert for new techniques.

"We're very pleased. It's been all we've had," said John Torres of the non-game checkoff system that funds his program in the Colorado Division of Wildlife.

Since the checkoff's birth

in 1978, Colorado taxpayers have donated \$2.9 million. This year, 12.4 percent of the 994,573 taxpayers getting a refund donated an average of \$5.60 to the fund, for a total collection of \$692,000.

For Torres, it's meant the opportunity to re-establish nine breeding pairs of falcons, 70 river otters previously extinct in the state and other endangered birds and animals.

"We needed a gimmick," said his assistant, Patsy Goodman. "There are so many good causes and no other mechanism was helping us."

Widely publicized and highly applauded, Colorado's non-game program has been mimicked by 20 other states. A spot check shows similar success in raising donations.

Not all, though, has proved easy money and not everyone is pleased.

Torres' success, ironically, has forced him to hound the state legislature to prevent it from cutting his general revenue funds or even withholding the donations. "They've got control over the refunds," he said, "and they can do what they wish."

The \$27,636 collected this year for expanding the Little Rock arena was "disappointing," said state Commissioner of Revenue Charles Ragland. A publicity campaign is needed to make the refund work, he said.

"I don't like what's happening," said Colorado

Sen. Fred Anderson, who was persuaded by wildlife enthusiasts in 1978 to advance legislation creating the nation's first checkoff.

Several befuddled taxpayers have called him, he said, to complain that they'd misread the form and sent all of their refund to the non-game program by mistake.

He's also concerned that more checkoffs would

"clutter up the — an occurrence would prompt legislature to cancel checkoffs, including game."

That worries I does the prospect competition on form from the anti-activists. "It's conceivable we'd lose our public support," said.

WITNESS STATEMENT

Name JOHN CONTER Committee On NONE GAMING
 Address 2126 FAIRVIEW PL. WILDLIFE
BILLINGS MT 59112 Date JAN FEB 1-83
 Representing MT CATTLE FEEDERS ASSN Support _____
 Bill No. HB 377 Oppose ☒
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. OPPOSED TO CREATING ^{MORE} ~~ANOTHER~~ REGULATIONS AND A GROUP REGULATING US IN THE CATTLE FEEDING BUSINESS
2. BIRDS IN LARGE QUANTITIES VISIT & BOARD IN FEED LOT. THEY EAT LARGE QUANTITIES OF FEED INTENDED FOR CATTLE - THEY ALSO DESTROY MORE THAN THEY EAT BY SCRATCHING & DEFECATING IN FEED TROUGHS & BINS.
3. BIRDS ARE GREAT DISEASE CARRIERS - MAGPIES - STARLINGS - CROWS & SPARROWS CAN CARRY BLACKLEG - MALIGNANT EDEMA - ANTHRAX & RED WATER. RACCOONS & GROUND SQUIRRELS ARE LEPTOSPIROSIS - WHICH KILLS - NAT HORSES & HOGS. SKUNKS ARE GREAT RABIES CARRIERS - PARTICULARLY BAD WHEN A RABID SKUNK GETS INTO A FEED LOT - WHERE ANIMALS CANNOT GET AWAY -
4. WE ARE DEATHLY AFRAID OF MORE LEGISLATION WHICH IN TURN CAN CAUSE US TO LOSE THE RIGHT TO KILL BIRDS OR OTHER ^{OR} ~~NE~~ HUNTING ANIMALS WHEN THEY ARE IN OUR PREMISES

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Charles van Hook Committee On F & G
Address 517 Waukesha Date Feb 1, 83
Representing Mont. Environ. Info. Center Support →
Bill No. HB 377 Non-Game Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

Support income tax refund check-off

2.

for funding Non game management program

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Larry Copenhagen Committee On Fish & Game
Address 3424-1st Ave S. G.F. MT Date Feb. 1, 19
Representing UMB Aud. Soc. Support ✓
Bill No. HB 377 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Represent 275 members of all walks of life
2. All would like to actively support Non-Game wild.
by this method

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Franklin Grosfield

Committee On _____

Address Big Timber

Date Feb 1 1983

Representing _____

Support _____

Bill No. HB 377

Oppose X

Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

HOUSE FISH AND GAME COMMITTEE MINUTES
February 10, 1983, page 7

Rep. Spaeth said when we talk about resident of the State of Montana, we are talking about residents for a whole lot of purposes such as probate, voting purposes, etc., and so when we say resident of the State of Montana, we have to interpret that as resident of the United States.

Rep. Swift said that is a subjective opinion that is not fact. I would like to have the legal resource check that out to see if it is true. I have had many complaints relative to this.

Rep. Spaeth moved a substitute motion, DO NOT PASS, on the amendment.

Rep. Jensen said when I moved to Montana, in order to get a drivers license, one of the things I had to prove was that I was a citizen of the United States.

The motion passed, with Representative Swift voting no.

Rep. Phillips moved House Bill 541, DO PASS, the motion carried unanimously.

HOUSE BILL 377

Rep. Jensen moved House Bill 377, DO PASS.

Rep. Devlin moved three amendments to the bill separately. (see exhibit 3)

Amendment #1 passed unanimously.

Amendment #2 passed, with Representative Devlin voting no.

Amendment #3 passed, with Representatives Hart, Ream, and Nilson voting no.

House Bill 377, DO PASS as amended, carried with Representatives Swift, Hanson, Manuel, Devlin, Ryan, Ellison, and Daily voting no. The motion was made by Representative Jensen.

HOUSE BILL 661

Rep. Ream moved House Bill 661, DO PASS, the motion failed 9 to 7, with Representatives Hart, Jensen, Nisbet, Ream, Veleber, Spaeth, and Nilson voting yes.

Rep. Devlin moved to reverse the vote, House Bill 661, DO NOT PASS.

Chairman Nilson adjourned the meeting at 2:15 p.m.



LES NILSON, Chairman



Cheryl Fredrickson, secretary

STANDING COMMITTEE REPORT

1 of 2

February 10, 1983

SPEAKER:

MR.

FISH AND GAME

We, your committee on

HOUSE 377

having had under consideration Bill No.

first reading copy (white)
color

"AN ACT TO PROVIDE FUNDS FOR THE PRESERVATION AND MANAGEMENT
OF NONGAME WILDLIFE IN MONTANA; AMENDING SECTION 37-5-102, MCA."

HOUSE 377

Respectfully report as follows: That..... Bill No.
be amended as follows:

1. Page 2, lines 11 and 12.

Strike: "acquisition and"

2. Page 3, line 19.

Following: "87-1-601"

Insert: ", except that no money collected under [this act] may
be used for the purchase of any real property"

3. Page 3, lines 20 and 21.

Strike: "is supplemental to any other"

Insert: "will replace license fee"

Following: "management" on line 21

Insert: "after June 30, 1985,"

XXXXXX
DO PASS

February 10, 1933

HOUSE BILL 377

4. Page 5.

Following: line 6

Insert: Section 5. Applicability--termination.

- (1) This act applies to tax returns which by law are required to be filed after January 1, 1924.
- (2) This act shall terminate July 1, 1937."

AND AS AMENDED
DO PASS

are handling guns the more danger that someone will be accidentally killed. Accidents happen. There is a strong move in the United States to deny the use of guns to everyone and it is mostly because of accidents. Let us not give another reason for the accidental discharge of a gun. Certainly the money involved is not worth the life that might be lost from such a bill. He would urge a do not pass of such a bill.

Representative Jensen closed by stating he does not see any real problem with hunting doves in Montana. The mourning doves are hunted all over the United States and the rest of the world. The question is whether we should hunt or whether we should not. Whether in fact we should value animal life as opposed to eating it. Anyone that eats chicken, pork or beef has in fact made that determination. I have made that determination and I hope everyone else has. I have in fact hunted doves. I have hunted since I was a young man and am absolutely convinced that families that do participate in sporting activities together do have a much better family life. The question before you is whether we ought to hunt another game bird. The mourning dove is the most hunted game bird in the United States. There was an amendment put on the bill in the House which would restrict the open season on mourning doves to the open season on upland game birds.

Chairman Smith asked for questions from the committee.

Senator Lee asked Jim Flynn when the upland game season was opening this year.

Mr. Flynn said September 15th.

CONSIDERATION OF HOUSE BILL NO. 377:

AN ACT TO PROVIDE FUNDS FOR THE PRESERVATION AND MANAGEMENT
OF NONGAME WILDLIFE IN MONTANA

Representative Fabrega, District #44, presented this bill to the committee. He stated HB 377 does two things. On page 3, line 14, New Section 2 "Nongame wildlife account. (1) There is a nongame wildlife account in the earmarked revenue fund provided for in 17-2-102." That section is where all earmarked revenues go. The next change is Section 3 on page 4. It creates a voluntary checkoff for nongame wildlife management. Each individual tax payer who is required to fill out an income tax return may contribute to the management of nongame wildlife in Montana by marking the appropriate box on the state income tax return. Joint returns would allow two checkoffs. That is what the bill does. This is being funded from a portion of the sportsmen fees at this time and instead of using that source of funding this would allow several thousand Montanans that wish to contribute to tax themselves voluntarily rather than the Department taking it from the fees by sportsmen. This is a more legitimate way of funding the program instead of putting an extra burden on the licenses of those that pay hunting and fishing

fees. The bill addresses a different method of funding for a program that has been in place since 1973. Opposition to the bill are opposed to the 1973 law. If you think there is a way to repeal the 1973 law by not funding you would be mistaken because it is being funded now from an appropriate source. He furnished the committee with a packet of information (Exhibit 8), showing the procedure other states have used when they adopted this check-off system. He advised that the Department of Revenue will be submitting an amendment to cover the fee for administering the voluntary checkoff program. He feels when the program gets under way they will be able to handle this additional task without any extra moneys.

Senator Crippen, District #33, believes this is a good bill and thinks we will find the same to be true after hearing the proponents.

Jim Flynn, Department of Fish, Wildlife and Parks, gave testimony in support of this bill. A copy of his statement is attached as Exhibit 9.

Harriet Marble, President, Montana Audubon Council, gave testimony in support of this bill. A copy of her testimony is attached as Exhibit 10.

Janet Ellis, Montana Audubon Council, gave testimony in support of this bill. She furnished the committee with a copy of information relative to her testimony which is attached as Exhibit 11. She stated 49 states now have a nongame law with 20 states having the voluntary checkoff program. She reviewed the information passed out to the committee. This bill is not a protection bill, it is a funding bill. She stated there is no way an animal can appear on the nongame list unless legislative approval is obtained to protect these animals.

Arlo Skari gave testimony in support of this bill. He feels it is time the wildlife people and the agriculture people come up with a bill that is agreeable to everybody. With agriculture getting more intensive each year we must keep up with knowledge on wildlife to insure the control of unnecessary pests.

Ken Knutson, Montana Wildlife Federation, gave testimony in support of this bill. A copy of his statement is attached as Exhibit 12.

Byron Weber, 5-Valley's Audubon, Missoula, said if we had had accurate information on the snail darter, construction would not have had to have been stopped on that dam. We need accurate information from state research and development. With that information we could clear some of the species off the protection list. We need to have some kind of inventory of the animals in the state. Other states are looking at the possibility of this.

Betsy Spettique, Bozeman, Montana, gave testimony in support of this bill. A copy of her statement is attached as Exhibit 13.

Robert Ballon, wildlife biologist from Billings, gave testimony in support of this bill. The nongame funding program has not been adequately funded so far. With this additional funding we will learn a lot more about the nongame species.

Chairman Smith asked for opponents.

Will Brook, representing Montana Woolgrowers, Montana Stockgrowers and Montana Association of State Grazing Districts, gave testimony in opposition to this bill. The Montana Woolgrowers Association includes 2500 members, the Montana Stockgrowers 3200 members, and the Montana Association of State Grazing Districts 1400 members. That is over 7000 ranch families that want to protect the way of life they love. On their land they protect the habitat for deer, elk, antelope, pheasants, ducks, mountain goats, and many others. This idea has been well discussed by our members at our annual convention. We are opposed to HB 377. There is a problem of trust. Many of our people would support HB 377 if we could be sure that the protection of nongame would not interfere with the day to day farming and ranching operations. The Friends of Animals ran an add in Time Magazine accusing sheep ranchers of poisoning over 200,000 wild animals. How can grazing districts trust the nongame program when they worked for over a year on a prairie dog control program, only to find the Defenders of Wildlife sued on a technicality. They desperately needed the prairie dog program. We can cite many other examples where we have been violated time and time again. He submitted to the committee a pamphlet put out by the federal government entitled "State Director Guidance for Resource Management planning in Montana and the Dakotas" and referred to pages D-1 through E-3. He stated we are already concerned with the direction of the nongame program in Montana and furnished information which listed game as well as nongame animals as being of special concern. The list includes prairie dogs and the wolf. The Department will over see the nongame list and will have to improve those lists. We would have no problem if Jim Flynn remained the Director of the Fish, Wildlife and Parks Department or Senator Ed Smith always chaired the Fish and Game Committee. This will not always be so. Twenty other states have adopted this check-off program. Montana does not have a sales tax, Montana does not have many things that other states have. The information furnished by Mr. Brook is attached as Exhibit 14.

Don Allen, Executive Director, Montana Petroleum Association, appeared in opposition to HB 377. Problems that we see today with this bill is the fact that funds will be used for a potential blocking off of oil and gas exploration. With the blocking off of wells there is a potential of loss of revenue to the state and this needs to be considered down the road. This could create a whole new protection of nongame species without proper consideration of other resources. Landowners are aware of the many issues involved. This might lead

to a single use of state land versus a multiple use. There is no law that says people can't voluntarily give to this program as opposed to a checkoff system. He gave examples of the loss of revenue that could result. He does not feel it is fair to compare the state of Montana to other states. Justification for this program should be determined on whether it is good for Montana.

Esther Ruud, representing the Montana Cattlemen's Association, gave testimony opposing HB 377. A copy of her statement is attached as Exhibit 15.

Jo Brunner, representing the Women Involved in Farm Economics, gave testimony in opposition to this bill. A copy of her statement is attached as Exhibit 16.

Ken Morrison, Department of Revenue, presented the committee with a copy of amendments which would give the Department the authority to fund this program out of the collections received. Copy is attached as Exhibit 17.

Chairman Smith asked the people that were present that intended to give testimony but did not have time, to please stand, give their name and state whether they were in support or opposed to this bill.

Louis Vero furnished the committee with a letter from the Montana Rodent Damage Control Council and advised their position was neutral. A copy of the letter is attached as Exhibit 18.

John Conter, Executive Vice President, Montana Cattle Feeders Association, said they are definitely opposed to this bill. A copy of his testimony is attached as Exhibit 19.

Randy Hohf, speaking on behalf of the University of Montana Student Chapter of the Wildlife Society, supports this bill. A copy of his testimony is attached as Exhibit 20.

Bebe FitzGerald, Billings, supports this bill. A copy of her statement is attached as Exhibit 21.

Luci Brieger, representing the Montana Environmental Information Center and Montana Conservation Congress, supports this bill. A copy of her testimony is attached as Exhibit 22.

Gordon G. Weber, Billings, Montana, supports this bill. A copy of his testimony is attached as Exhibit 23.

Dwight Bergeron, representing the Montana Chapter of the Wildlife Society, supports this bill. A copy of his testimony is attached as Exhibit 24.

Mary Wunderlich, Bozeman, support; Larry Copenhaver, Upper Missouri breaks, Audubon Society, support; Ed Wenzel, Butte, support; Rita Cetrone, Billings, support; Georgia Frazier, Billings, support; Bruce Van Alten, Upper Missouri Group, the Sierra Club, support; Joe Murphy, Missouri River Unlimited, support; Margaret Adams, Great Falls, support; and E. Carroll Speck, support.

The following furnished testimony and their testimony is attached as the exhibit indicated: Pete Carroll, Missoula, Exhibit 25; Christine Deveny, Helena, Exhibit 26; Margaret E. Adams, Great Falls, Exhibit 27; Art Held, Exhibit 28; Cecilia Gallagher, Bozeman, Exhibit 29; Christopher Clancy, Exhibit 30; Netzy and Jim Durfey, Livingston, Exhibit 31; Jon Swenson, Livingston, Exhibit 32; Tom Shands, Livingston, Exhibit 33; Tara Gallagher, Livingston; Exhibit 34; and Alan R. Harmata, Bozeman, Exhibit 35.

Representative Fabrega closed by stating some of the testimony shows concern of the amount of money that will generate as replacement. He referred the committee to the amendment at the bottom of page 3, line 25 "except that no money collected under [this act] may be used for the purchase of any real property. Money derived from tax checkoff contributions to the account will replace license fee funding for nongame wildlife management after June 30, 1985." Our system is not set up now to accept contributions from a person who sends in \$5.00 or \$10.00 for this fund. This is a way to allow an individual to make a small contribution.

Chairman Smith asked for questions from the committee.

Senator Smith said to Arlo Skari you stated wildlife belongs to everybody. There are good species and bad species but that affects everybody. On my farm we have had some bad experiences with some species.

Mr. Skari said in the case of some species which are causing farmers and ranchers difficulties all these are taken care of in this bill. He asked what species of animals are causing him problems on his ranch.

Senator Smith said his concern is if you kill a flicker tail gopher, how are you going to poison that animal without killing a nontarget species. In Colorado they have 3,000 species on their nongame list. How are you going to poison a problem species without killing some nontarget animal.

Mr. Skari said this is a funding bill to look into your problems. It calls for research into finding out information on these animals. If they are causing problems they can research the problem to prevent it.

Senator Mohar asked any representative of the agricultural groups, what specifically, in land loss, has adversely affected agriculture

Fish and Game Committee
March 19, 1983
Page Eight

over the last 10 years.

Mr. Brook said the money hasn't been available to implement any programs to have tests done and species inventoried. We do not have a problem now with the Department but what happens down the road after the funds are increased.

ADJOURNMENT: The meeting adjourned at 3:00 P.M.

Ed B. Smith
ED B. SMITH, Chairman

ROLL CALL

FISH & GAME

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 3-19-83

NAME	PRESENT	ABSENT	EXCUSED
Senator Severson	✓		
Senator Lee	✓		
Senator Tveit	✓		
Senator Lane	✓		
Senator Mohar	✓		
Senator Jacobson	✓		
Senator Smith	✓		

Each day attach to minutes.

DATE

March 19, 1983

COMMITTEE ON

FISH AND GAME

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Ken Knudson	MT Wildlife Fed	HB 377	✓	
Dwight Bergeren	MT. chapter the Wildlife Soc.	HB 377	✓	
RANDY HOFF	U M CHAPTER OF THE WILDLIFE SOC	HB 377	✓	
Christine Devery	Self	HB 377	✓	
Martin Schultz	Self	HB 377	✓	
Pete Carroll &	Self.	HB 377		
John R. Carter	Self	HB 377	✓	
Joe Brunner	W. I. F. Farm Bureau - Basin Thomas: Ashes group MARE	HB 377		✓
Margaret B Adams	Self	HB 377	✓	
BETSY SPETTIGUE	Self	HB 377	✓	
Mary Wundelich	Self	HB 377	✓	
E. Carroll Speck	II	HB 377	✓	
Edward (Mary)	Self	HB 836		✓
Sue H. Schultz	Self	HB 836		✓
Pete L. Cetrone	Self	HB 377	✓	
Georgia J. Fyngis	Self	HB 377	✓	
William J. Weber	Self	HB 377	✓	
Harriet Marble	Mont. Audubon Council	HB 377	✓	
Robert McBallon	Self	HB 377	✓	
Phil Shari	Self	HB 377	✓	
Bruce von Alten	Upper Missouri Group Sierra Club	HB 777	✓	
FLYNN	DEPT FWP	HB 777 HB 836	✓	
Bebe Filly Turner	Self	HB 377	✓	
Jane Gallagher	Self	HB 377	✓	
Chris Clancy	Self	HB 377	✓	
Dracia Hilde	Self	HB 377	✓	

(Please leave prepared statement with Secretary)

DATE

March 19, 1983

COMMITTEE ON

FISH AND GAME

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Edward O. Wenzel	self	HB 377	✓	
Debra Olson	self	HB 377	X	
Larry Copenhagen	Upper Mo. Breaks Audubon Society	HB 377	X	
Judith Fenton	Lewis & Clark Humane Soc.	HB 377	✓	
Judith Fenton	Lewis & Clark Humane Soc.	HB 836		✓
Glenda Bradshaw	self	HB 377	✓	
James Hellyer	Feb. Humane Soc. of MT	HB 836		✓
James Campbell	Self-	HB 377	✓	
Arthur Reed	Montana Cattleman's Assn	HB 377		✓
Byron Weber	S. Valley's Audubon ^{Missoula}	HB 377	✓	
Hail Miller	Self - Missoula	HB 377	✓	
Janet Ellis	MT Audubon Council	HB 377	✓	
Louise Bruce	self	HB 377	✓	
Luci Brieger	MEIC + MT Conservation Grp.	"	✓	
Beulah Gallagher	self	HB 377	✓	
Wright A. Held	Self	HB 377	✓	
John Conr	MT Cattle ^{Assn}	HB 377		✓
Ken Mon	DOR	377		
Donald marble	self	377	✓	
Mons Teigen	MT Stockgrowers + Cattle	377		X
Cary B Lunc	self	377	✓	
Patricia M. Ddan	self	377	✓	
Will Brooke	MT Stockgrowers/MT Assoc of State Grazing Distr./MT Stockgrowers	377		X
Don Allen	MT. Restoration Assoc	377		✓

NAME: Edward O. Wenzel (Ted) DATE: 3/19/83

ADDRESS: 420 Roosevelt Dr. BBI Butte MT. 59701

PHONE: 494-8166 494-5059 work

REPRESENTING WHOM? self - Wildlife Biologist by profession

APPEARING ON WHICH PROPOSAL: HB 377

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENT:

1. State has a legal mandate to manage
all wildlife including nongame species
 2. This bill is a viable means of obtaining
funding for mgmt. of nongame wildlife
 3. Intent of bill is not to list species
as threatened / endangered - ~~as~~
 4. Intent of bill is not to disrupt
industry / agriculture but only to manage
nongame - a funding source
 5. As a federal biologist (BLM) I work with
agriculture / oil + gas interests, etc. every day. I have yet to
see where a nongame species caused cessation of an
industrial program. Nongame has less legal power. Thank either
- PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

game sp. or T/E species. ~~As~~ Biologists (as professionals)
~~we~~ have the responsibility + goal of protecting the wildlife resource.
Our recommendations may interfere with oil + gas, etc. but we ^{they} do not stop the
activity - nor do we want to. We only want true multiple use.

NAME: Mary Wunderlich DATE: 3/19/83

ADDRESS: 1003 So. Church, Bozeman, MT 59715

PHONE: 586 7364

REPRESENTING WHOM? Self.

APPEARING ON WHICH PROPOSAL: Non-game funding HB#377

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENT: As a Montana citizen, from Bozeman, Mt., I support
bill HB#377. I would like to voluntarily contribute money
in support of nongame wildlife management, research, and
education. Nongame animals have not had been as important
in research+management funding as game animals in the past,
~~but~~ hence gaps of information exists in manager
management of any aspect of Montana's ecosystems.

As a graduate student in Fish+Wildlife Management at
Montana State University, and President of the MSU
Fish and Wildlife Forum, I speak on behalf of a
majority of fellow students ^(memberships FW Forum: 50) who share my support of
HB 377.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet be used by those testifying on a bill.)

NAME: Larry Copenhagen DATE: 3/19/83

ADDRESS: ~~3024~~ 3424 - 1st Ave S Great Falls

PHONE: 452 - 7279

REPRESENTING WHOM? Upper Missouri Breaks Audubon Society & self

APPEARING ON WHICH PROPOSAL: HB377

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENT: Need to allow voluntary support of an
already functioning Act of the legislature. Burden
should be removed from hunting & fishing community.
Other states have successfully used this method.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Lita L. Cetrone DATE: 3-19-83

ADDRESS: 2550 Clark - Billings, Mt. 59102

PHONE: 656-1433

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HB 377

DO YOU: SUPPORT? Yes AMEND? _____ OPPOSE? _____

COMMENT: Montana's 1973 Non-game Act needs additional funding. A check off system follows in the tradition of other special fundings - as in sportsman's fees. Funding is needed to further the study of, as we call them, the "Watchable Wildlife", to have more thorough surveys on these animals. By doing so we will gain knowledge to successfully keep them off the endangered species list. Being on that list would certainly be more costly.

NAME: Georgia Tragner DATE: March 19

ADDRESS: 2005 Northridge Circle, Billings, Mt.

PHONE: 656-4705

REPRESENTING WHOM? myself

APPEARING ON WHICH PROPOSAL: HB 377

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENT: Providing an effective nongame program
is necessary to prevent decline of some species, to get
information and provide assistance to private
landowners and land management agencies
who are interested in wildlife preservation.
A checkoff for this government program on
the income tax form will provide a convenient
and voluntary method for interested people to
contribute.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: ARLO SKARI DATE: 3/19/83

ADDRESS: Box 296, Chester, N.H.

PHONE: 406
292-3602

REPRESENTING WHOM? Self Farmer - Rancher

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? ☒ AMEND? _____ OPPOSE? _____

COMMENT: It's time the Wildlife people and the Agriculture
community come up with a bill that is agreeable
to everybody and is founded by those interested in
it. With Agriculture getting more extensive each year
we must keep up with knowledge on wildlife to insure
the continuation of most species and the control of
unnecessary pests.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

WITNESS STATEMENT

Name Cecilia Gallagher Date Mar 20, '83
Address 101 Grant-Chamb. #1-H, Boynton Support ? ☒
Representing self Oppose ? ☐
Which Bill ? HB 377 Amend ? ☐

Comments:

letter submitted to committee

CL

Please leave prepared statement with the committee secretary.

NAME: Robert M. Ballou DATE: 3/19/83

ADDRESS: 3005 Placer Drive

PHONE: 248-8895

REPRESENTING WHOM? Myself, Nat'l Wildlife Refuge Assoc.

APPEARING ON WHICH PROPOSAL: HB377- Non-game Funding

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENT: As a wildlife biologist, ^{now retired,} with over 30
years' experience in wildlife research,
management, and administration, I know
what funding can do to benefit game
species. The great success with Canada
geese is a good example.

Funding is now needed for non-game
so that knowledge needed to benefit this
group of wildlife can be collected and
used. The Non-Game Funding Bill should
be passed.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: BILL ASHER DATE: 3-19-83

ADDRESS: P.O. Box 3285 BOZEMAN

PHONE: 995-4402 (442-1019 HELENA)

REPRESENTING WHOM? AGRICULTURAL PRESERVATION ASSN.
PARK COUNTY LEGISLATIVE ASSN.
SWEETGRASS COUNTY PRESERVATION ASSN.

APPEARING ON WHICH PROPOSAL: HB 377

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENT: WE ARE OPPOSED TO THIS BILL AND THE
NON-GAME MANAGEMENT CONCEPT IN GENERAL.

IT IS OUR CONTENTION THAT THE LONG-RANGE
RAMIFICATIONS OF FUNDING NON-GAME MANAGEMENT
WILL ONLY LEAD TO ~~THE~~ FURTHER DETERIORATION OF
RELATIONS BETWEEN LAND-OWNERS AND RECREATIONALISTS.

THIS ISSUE IS STRAINED ENOUGH AS IT IS, AND HB377
WILL ONLY ADD FUEL TO THE FIRE.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Martin Schultz DATE: March 19, '83

ADDRESS: 281 Duniway Missoula MT 59801

PHONE: 243-4716

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HB 377

DO YOU: SUPPORT? V AMEND? OPPOSE?

COMMENT: Ranchers attempting to control
nongame pest species can benefit from
the bill. The reason that I say this is that
the Dept of F&G. would be ~~allowed~~ able to
carry out research on nongame pest species and
their relationship to the livestock + Agricultural
industries.

My second point is that Pittman-Robertson
dollars now ~~support~~ nongame management. According
to Thomas More (1979) nongame enthusiasts are willing
to support nongame management, they do this already by
supporting special interest groups. Why not provide
them with an opportunity to ~~con~~tribute to a
state agency.

THANK YOU.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

More, T.A., 1979, The demand for nonconsumptive
wildlife uses. USDA. Forest Service Gen.
Tech. Rept. NE-52 pp 16.

NAME: Bruce von Alten DATE: 3-19-83

ADDRESS: P.O. Box 1201 Helena, MT. 59624

PHONE: 475-3162

REPRESENTING WHOM? Upper Missouri Group
The Sierra Club

APPEARING ON WHICH PROPOSAL: House Bill 377

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENT: The Upper Missouri Group of the
Sierra Club has 500 members living
in central Montana. The Group
supports H.B. 377

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Margaret E Adams DATE: _____

ADDRESS: 14 - 19th street North - Great Falls

PHONE: 761-8329

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: H.B 377 - Non Game Funding

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENT: This measure represents a method
for funding research and management of
non-game species without drain on the
general fund nor on the funds of
Fish, Games, Parks Department. The income tax
check-off has proved successful in other
states with similar problems; Colorado for
instance. If we recognize the uniqueness
of the wildlife resources we have in our
state, we can help to support a viable
industry, tourism, without any adverse
effect upon other industry, or our
Montana life style -

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet . be used by those testi . ; on a bill.)

NAME: Dwight Bergeron

DATE: March 19, 1983

ADDRESS: 800 Glendale, Helena, MT.

PHONE: 443-4333

REPRESENTING WHOM? Montana chapter of the Wildlife Society

APPEARING ON WHICH PROPOSAL: H.B. 377 - Non-game funding bill.

DO YOU: SUPPORT? X

AMEND?

OPPOSE?

COMMENT: see attached ~~5~~ sheets (2)

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet () be used by those testify g on a bill.)

NAME: Al Haumata DATE: 3-19-83

ADDRESS: 4756 Itana Circle, Bozeman, MT 59715

PHONE: 406-586-3747

REPRESENTING WHOM? SEEF MT CITIZEN

APPEARING ON WHICH PROPOSAL: HB#377

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENT: See attachment

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Sample tax forms with Nongame Check-offs

Colorado

Exhibit 8, March 19, 1983, Submitted by Representative Fabrega

ATTACH CHECK OR MONEY ORDER HERE

52 TOTAL CREDITS, ADD LINE 48 THROUGH 51

REFUND OR BALANCE DUE

53 IF LINE 52 IS LARGER THAN LINE 47, ENTER AMOUNT COLORADO OWES YOU

54 COLORADO NONGAME WILDLIFE PROGRAM. CHECK IF YOU WISH TO DESIGNATE ☐ \$1, ☐ \$5, ☐ \$10, OR ☐ \$25 (WRITE IN AMOUNT) OF YOUR TAX REFUND TO THIS PROGRAM. IF THIS IS A JOINT OR COMBINED RETURN, CHECK IF SPOUSE WISHED TO DESIGNATE ☐ \$1, ☐ \$5, OR ☐ \$10, OR \$ (WRITE IN AMOUNT)

55 AMOUNT OF OVERPAYMENT (LINE 53 MINUS LINE 54) YOU WISH TO HAVE REFUNDED TO YOU

56 IF LINE 47 IS LARGER THAN LINE 52, ENTER THE AMOUNT YOU OWE COLORADO.

MAKE CHECK OR MONEY ORDER PAYABLE TO THE COLORADO DEPARTMENT OF REVENUE.

INCLUDE PENALTY \$ AND INTEREST \$ IF APPLICABLE

57 AMOUNT OF OVERPAYMENT YOU WISH CREDITED TO 1982 ESTIMATED TAX

MAIL TO THE COLORADO DEPARTMENT OF REVENUE
1375 SHERMAN STREET, DENVER, COLORADO 80261

Utah

19. Utah Income Tax (from Tax Rate Schedules on back of form)

20. Credit for Utah Income Tax withheld (attach withholding forms)

21. Credit for Income Taxes Paid to Another State (complete Schedule A on back of form)

22. Credit for Utah Income Tax Prepaid

23. Other Credits (complete Schedule C on back of form)

24. Total Credits (add lines 20 through 23)

25. Additional Tax Due - If line 19 is larger than line 24, subtract line 24 from line 19 and enter balance - PAY THIS AMOUNT

26. Refund - If line 24 is larger than line 19, subtract line 19 from line 24 and enter balance

27. Utah Nongame Wildlife Fund. I wish to contribute ☐ \$1 ☐ \$5 ☐ \$10 or \$ (enter amount), or

☐ I do not wish to contribute. Enter contribution amount on line 27 at right

28. Net Refund - subtract line 27 from line 26. This amount will be refunded to you. Please allow 90 days for processing

Send return and UTAH STATE TAX COMMISSION
HEBER M. WELLS OFFICE BUILDING

29. Did you file a Utah return for 1981? ☐ YES ☐ NO

FOR OFFICIAL USE ONLY
CODE APPROVAL

Idaho

4. Contributions to Youth and Rehabilitation facilities (see Instructions)

5. TOTAL OF LINES 40 THRU 44

6. Line 39 minus Line 45, but not less than zero

7. Permanent Building Fund Tax (Read Instructions carefully)

8. TOTAL TAX, LINE 46 PLUS LINE 47

9. I wish to donate ☐ None ☐ \$1 ☐ \$5 ☐ \$10 or \$ to the Nongame Wildlife Fund

10. I wish to donate ☐ None ☐ \$ ☐ \$5 ☐ \$10 to the U.S. Olympic Fund. Enter any dollar amount up to \$10, if married filing jointly or up to \$5 for any other filing status

NOTE: Your donation will either REDUCE the amount of your refund or INCREASE the amount you have to pay

11. Total Tax plus Donations, Line 48 plus Lines 49 and 50

Kansas

9. BALANCE DUE (If line 7 is greater than line 8) Interest [Q]

Penalty [R]

[S] 9

10. REFUND (If line 8 is greater than line 7)

[V] 10

KANSAS NON-GAME WILDLIFE IMPROVEMENT PROGRAM. Check if you wish to donate, in addition to your tax liability, () \$1, () \$5, () \$10 or () \$ or designate () \$1, () \$5, () \$10, or () \$ of your tax refund for this program. If joint return, check if spouse wishes to donate or designate () \$1, () \$5, () \$10 or () \$ Enter total on line 11

[W] Total Wildlife Contribution

11

For Office Use Only

I declare under the penalties of perjury that to the best of my knowledge and belief this is a true, correct, and complete return

PE



STATE INCOME TAX CHECK-OFF PROGRAMS

FUNDING RESULTS

States with Programs	Year Bill Signed	Tax Year	Totals	Contributors	% of Persons Having Refunds Contributing	Average Contribution
Alabama	1982	----	----	----	----	----
Arizona	1982	----	----	----	----	----
Colorado	1977	1977	350,000	90,000	9.0%	\$3.89
		1978	501,000	118,600	12.0%	4.22
		1979	647,200	129,300	11.9%	5.00
		1980	740,000	139,850	12.7%	5.30
		1981	692,000	124,000	12.4%	5.60
Idaho *	1981	1981	102,500	22,000	----	4.43
Indiana	1982	----	----	----	----	----
Iowa	1982	----	----	----	----	----
Kansas	1980	1980	128,788	21,786	3.6%	4.87
		1981	130,193	----	----	----
Kentucky	1980	1980	85,619	13,611	1.2%	6.29
		1981	80,000	11,038	1.3%	7.20
Louisiana	1981	1981	344,198	35,858	2.5%	10.42
Minnesota	1980	1980	569,277	170,177	9.8%	3.39
		1981	624,899	195,503	11.4%	3.20
New Jersey	1981	1981	403,000	100,000	4.8%	4.05
New Mexico	1981	1981	256,000	24,000	4.6%	10.68
New York	1982	----	----	----	----	----
Oklahoma	1981	----	----	----	----	----
Oregon	1979	1979	347,000	94,848	11.5%	3.42
		1980	359,981	97,803	11.1%	3.68
		1981	272,152	65,916	8.1%	4.13
Pennsylvania	1982	----	----	----	----	----
South Carolina	1981	1981	100,000	20,500	2.0%	4.85
Utah	1980	1980	216,594	55,366	16.0%	3.91
		1981	204,726	47,942	14.1%	4.27
Virginia	1981	1981	371,000	61,692	3.4%	5.92
West Virginia	1981	1981	164,649	37,340	7.9%	4.41

*Idaho estimates that 6% of the taxpayers contributed to their nongame wildlife program in its first year.

SURVEY OF STATE NONGAME WILDLIFE
PROGRAMS

49 states now have nongame wildlife programs

<u>Funding Source</u>	<u>Example of State with this Method</u>
Hunting and Fishing License Fees	Montana Wyoming
Sales Tax (1/8 of 1% sales tax)	Missouri
Personalized auto tags	Washington
Shoulder patches	Only Pennsylvania tried this method--they now use an income tax check-off
T-shirt Sales	Michigan uses this in conjunction with hunting and fishing license fees
General Funds	Nebraska Nevada New Jersey used this method initially but now uses the tax check-off method
Wildlife (Nongame) Stamps	Colorado, Pennsylvania and Montana have all tried this method--it failed in each state due to inconvenience. Colorado and Penn. now use an income tax check-off.
Income tax check-off	now used in 20 states (see attached sheets)

STATE OF COLORADO

DEPARTMENT OF REVENUE

State Capitol Annex
1375 Sherman Street
Denver, Colorado 80261



November 29, 1982

Harriet Marble, President
Montana Audubon Council
P. O. Box 649
Chester, Montana 59522

Dear Ms. Marble:

Mr. James Phelps has requested we contact you concerning the participation by taxpayers in the nongame wildlife check-off and the costs to the Colorado Department of Revenue of operating the program.

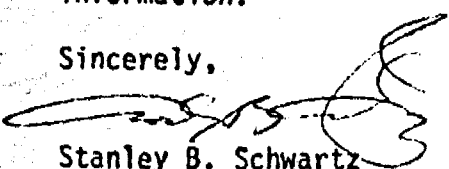
We have not made any specific studies concerning the administrative costs of the wildlife check-off since it is integrated into the overall income tax processing and since no additional personnel have been added as a result of this program.

On an allocated cost basis, it is doubtful that overall administrative costs would exceed several thousand dollars. For example, during the past fiscal year the department processed 126,881 returns with a wildlife check-off amount. Recording an accounting code and the dollar amount represents four data entry keystrokes per return. At an average keystroke rate of 5,000 per hour and an average hourly wage of \$5.87 per hour, the data entry costs would be \$596. Only 571 returns required accounting adjustments largely as a result of taxpayers entering their entire refund on the check-off line instead of the refund line.

There are two factors which contribute to low administrative costs. One is to allow the taxpayers to donate any amount of their refund to the wildlife fund and the second is to accept payments with returns from taxpayers without refunds by treating these payments as overpayments to be credited to the fund.

Enclosed is a summary of the nongame wildlife check-off participation along with a copy of our income tax return. Please advise if you need additional information.

Sincerely,



Stanley B. Schwartz
Chief, Research and Statistics



THE STATE OF UTAH

STATE TAX COMMISSION

SALT LAKE CITY, UTAH 84134

IN REPLY REFER TO:

January 21, 1983

Montana Audubon Council
Box 464
Helena, MT. 59624

Attn: Ms. Louise Bruce

Dear Ms. Bruce:

This is in reply to your questions regarding the Utah non game wild life check-off system.

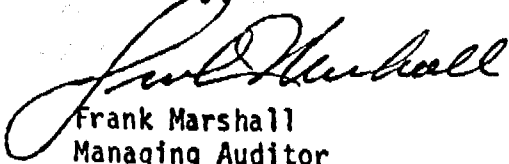
The Utah Tax Commission has administered this fund for three years. The system has turned out to be very simple, with very little cost involved. Most of the work is handled by the computer.

The only costs that have been involved are the cost of printing an extra line on the return, the costs of a small program change on the computer, the key punch expense and the cost of making a monthly journal entry. The costs are so small that we have not even tried to break them out of our normal processing costs.

We have collected \$207,649.83 for 1981 with 48,619 returns checking off a contribution.

I have enclosed a copy of our three 1982 Utah income tax returns as you requested.

Sincerely,



Frank Marshall
Managing Auditor
Income Tax

FM:lh
Enclosures - 3

HB377

Testimony presented by Jim Flynn, Department of Fish, Wildlife & Parks

March 19, 1983

I appear today in support of HB377.

The Department of Fish, Wildlife, and Parks has the statutory responsibility for the management of nongame species in Montana. These obligations and authorities are found in Sections 87-5-101 through 87-5-112, MCA, and include:

1. The department shall conduct ongoing investigations of nongame wildlife.
2. The department shall issue regulations deemed necessary to manage certain nongame species.
3. The director shall establish such programs as are deemed necessary for the management of nongame wildlife.

In implementing these charges, the department has proposed a budget of \$49,000 for this fiscal year. This funds one full-time nongame wildlife biologist as well as a part-time position part of the year and the accompanying support for clerical assistance, travel, per diem, etc.

Priorities for the nongame effort are identified in a variety of ways. Concerns expressed by the public, deliberate discussions at all levels within the department, the fact that some species continually turn up in planning documents and environmental impact statements, and the use by federal land managers of indicator species all have an impact upon the program's scope.

A 1975 evaluation of nongame species resulted in a numerical ranking based on biological security, public appeal, and on the economic and ecological impact from an increase in a species numbers. This exercise resulted in a list of species of special interest or concern.

In addition, the legislature has given the department the authority and responsibility to initiate management programs, rules and regulations for species which have been declared to be "in need of management". It is important to note that at this time additions to or deletions from this list must be approved by the legislature. At the present time, no species is felt to be "in need of management".

The foregoing is a process now on the books and is being implemented. The measure before you addresses the funding of that process. We feel this is an important aspect for even though the laws have been with us for some time, funding for the program has not been forthcoming. As a result, we have been forced to rely on funding sources which have traditionally been reserved for game species. These include license fees as well as Pitmann-Robertson funds derived from excise taxes on firearms and ammunition.

The reactions to our general license fee increase serve as a stimulus to search out those programs which should be supported by other funding sources. The "user pay concept" must be invoked. At the present time, there is no viable manner for nonhunters to help pay for the program of which they are the chief beneficiaries.

The fiscal note for HB377 indicates an income of \$100,000 to \$180,000 from the check-off system. These figures are arrived at by using the experience of states like Colorado and Oregon. It is probable that these estimates are high and that a more viable figure would be less than \$100,000. This lower figure would seem more appropriate when comparing Montana's rural state to the more urban states of Oregon and Colorado.

If the department were to receive more funding we would not anticipate adding more staff to our existing personnel. We would expand our operations into the following areas:

1. Development of a centralized data system to record status and distribution of nongame species.
2. Accelerate our schedule of nongame inventories on our wildlife management areas.
3. Conduct nongame research projects in the University System through our stipend program.
4. Conduct status-determining investigations of selected species such as ospreys or groups of species such as shore birds.
5. Conduct research with the Department of Agriculture on environmentally safe methods of vertebrate pest control.

This measure received amendments in the House of Representatives to address some of the concerns expressed before that body. Those amendments are feasible and acceptable.

In summary, there is a need for nongame activities to be funded by nonhunting license dollars. At the same time there is a need and a statutory responsibility to conduct a program. It would seem that HB377 would address both needs.



Montana Audubon Council

P.O. Box 649, Chester, Montana 59522

March 19, 1983

Mr. Chairman and Members of the Committee:

This statement presented in support of House Bill 377, the non-game funding bill. I appreciate very much the opportunity to be at this hearing and to have my comments heard.

By now you are more accustomed to citizens opposing further taxation, but we are here today to request that a system to allow voluntary levy be established for purposes of great interest to many Montanans. I am referring to HB 377 which would provide a voluntary means of raising funds for Montana's Nongame Program.

I am President of the Montana Audubon Council which has eight chapters and 2700 members in Montana. I also served on the Montana Nongame Advisory Board and became familiar with all the various methods by which nongame programs could be and have been funded in the other 50 states. To date 20 states have adopted the voluntary check-off method and it is by far the most common way to fund nongame programs in other states.

Montana has now had the nongame program for 10 years but funded by only sportsmen's dollars. We think it is time that hikers, bird-watchers, campers, outdoor photographers and other interested persons be allowed to contribute to the wildlife resource programs of the state of Montana. The voluntary check-off provisions of HB 377 would provide a source of money to the nongame program from these nonhunters who enjoy and use the outdoor resource as much as sportsmen. Without such a voluntary checkoff, these funds are not otherwise available since the state of Montana has no other comparable system to obtain funds from persons who enjoy the natural environment of the state of Montana but who do not purchase hunting or fishing licenses.

The program has been successful in other states and there is no reason that it can't be equally successful in Montana. The Montana Audubon Council would greatly appreciate a "do pass" recommendation from this committee.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Harriet Marble". The signature is fluid and elegant, with the first name and last name clearly distinguishable.

Harriet Marble, President

WHAT IS A NONGAME ANIMAL ?

These animals are not nongame

Game*

Elk

Ducks

Geese

Trout

Bear — includes grizzly

Deer

Furbearers

Mink

Marten

Fisher

Otter

Bobcat

Canada Lynx

Beaver

Northern Swift Fox

Wolverine

Predators

Coyotes

Skunks

Weasils

Civet Cats

Endangered Species

Whooping Crane

Black-footed Ferret

Timber Wolf

Peregrine Falcon

no money can
be spent on
Endangered
Species

These animals are nongame

Nongame*

White Pelican

Pika

Grasshopper Mouse**

Raccoon

Masked Shrew

Snowshoe Hare**

Bison

Big Brown Bat

Western Big-eared Bat

Woodpeckers

Black-tailed Prairie Dog**

Sagebrush Lizard

Golden Eagle***

Western Toad

Yellow Perch

Pumpkinseed

Osprey

Great Blue Heron

Western Meadowlark

Flying Squirrel

White-tailed Cottontail

Least Chipmunk

Sagebrush Vole

Great Horned Owl***

Painted Turtle

*These are not complete lists of animals--they are only examples.

**The Department of Livestock controls these animals when they become pests under 81-1-401 MCA.

***These animals can be destroyed if they destroy livestock or poultry under 87-5-209 MCA.

81-1-304. Appointment of federal veterinary inspectors. With the approval of either the federal veterinarian in charge in this state or the United States department of agriculture, the department of livestock may appoint federal veterinarians or federal lay inspectors stationed in this state, as deputies or agents for the department. All federal officers so appointed as deputies or agents of the department possess the powers and duties of regular deputies or agents of the department, but they shall act without compensation and hold office only at the pleasure of the department.

History: En. Sec. 6, Ch. 262, L. 1921; re-en. Sec. 3265, R.C.M. 1921; re-en. Sec. 3265, R.C.M. 1935; amd. Sec. 54, Ch. 310, L. 1974; R.C.M. 1947, 46-206.

Part 4

Rodent Control

81-1-401. Department to operate rodent control program. The department may establish and operate organized and systematic programs for the control and suppression of jackrabbits, prairie dogs, ground squirrels, pocket gophers, rats, mice, and other rodents and related animals in this state when they are injurious to agriculture, other industries, and the public health. For this purpose, the department may enter into written agreements with appropriate federal agencies, other state agencies, counties, associations, corporations, or individuals covering the methods and procedures to be followed in the control and suppression of these noxious rodents and related animals, the extent of supervision to be exercised by the department, and the use and expenditure of funds appropriated, when this cooperation is necessary to promote the control and suppression of noxious rodents and related animals.

History: En. Sec. 1, Ch. 136, L. 1949; amd. Sec. 44, Ch. 310, L. 1974; amd. Sec. 1, Ch. 242, L. 1975; R.C.M. 1947, 3-2701.

81-1-402. Expenditures authorized. The department may make expenditures for equipment, materials, supplies, and other expenses, including expenditures for personal services, which are necessary to execute the functions imposed on it by this part.

History: En. Sec. 2, Ch. 136, L. 1949; amd. Sec. 45, Ch. 310, L. 1974; R.C.M. 1947, 3-2702.

81-1-403. Purchase and sale of rodent control supplies. In addition to the expenditures authorized in 81-1-402, the department may purchase rodent control supplies, including rodent baits, for the use of cooperating governmental agencies, counties, associations, corporations, or individuals in the control of noxious rodents and related animals and to make these supplies and baits available to the cooperators at approximate cost.

History: En. Sec. 4, Ch. 136, L. 1949; amd. Sec. 105, Ch. 147, L. 1963; amd. Sec. 46, Ch. 310, L. 1974; R.C.M. 1947, 3-2704.

81-1-401. Under this section, animals that become pests can be controlled by the Department of Livestock.

HB 85 (signed by Governor this session)

added to list of pests:

bats

raccoons

starlings
blackbirds

other birds

CHAPTER 2

DISEASE CONTROL

Part 1 - General Administration

Section

81-2-101. Authority of department agents.

81-2-102. Powers of department.

History: En. Sec. 2, Ch. 309, L. 1971; amd. Sec. 34, Ch. 511, L. 1973; amd. Sec. 1, Ch. 34, L. 1974; amd. Sec. 39, Ch. 9, L. 1977; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-501.1(10), (11).

87-5-208. Nonresidents allowed raptors in state. Nonresidents who are working, attending schools, or otherwise living temporarily in the state of Montana may obtain a Montana falconry license and bring raptors, legally acquired in other states or countries, into the state of Montana. Such nonresidents shall be allowed to hunt with falcons in the state of Montana subject to all Montana laws and rules.

History: En. Sec. 3, Ch. 309, L. 1971; amd. Sec. 34, Ch. 511, L. 1973; amd. Sec. 1, Ch. 34, L. 1974; amd. Sec. 39, Ch. 9, L. 1977; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-501.1(15).

87-5-209. Destruction of eagles or predatory hawks and owls. Predatory hawks and owls destroying livestock or poultry may be killed at any time by the livestock or poultry owners. Eagles may be killed in compliance with federal law and regulation.

History: En. Sec. 3, Ch. 309, L. 1971; amd. Sec. 34, Ch. 511, L. 1973; amd. Sec. 1, Ch. 34, L. 1974; amd. Sec. 39, Ch. 9, L. 1977; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-501.1(17).

87-5-209. Under this section eagles, hawks & owls destroying livestock or poultry may be killed.

Part 3

Grizzly Bear and Wild Buffalo

87-5-301. Policy toward grizzly bear. It is hereby declared the policy of the state of Montana to protect, conserve, and manage grizzly bear as a rare species of Montana wildlife.

History: En. Sec. 1, Ch. 134, L. 1969; R.C.M. 1947, 26-307.2.

87-5-302. Commission regulations on grizzly bear. The commission shall have authority to provide open and closed seasons; means of taking; shooting hours; tagging requirements for carcasses, skulls, and hides; possession limits; and requirements for transportation, exportation, and importation of grizzly bear.

History: En. Sec. 2, Ch. 134, L. 1969; R.C.M. 1947, 26-307.3.

87-5-303. Wild buffalo protected. It is unlawful to hunt, shoot, kill, capture, or possess wild buffalo except as permitted by rules adopted by the department.

History: En. Sec. 4, Ch. 167, L. 1973; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-301.1.

87-1-225. Regulation of wild animals damaging property. Upon the request or complaint of any landholder or person in possession and having charge of any land in the state that wild animals of the state protected by the fish and game laws and regulations are doing damage to the property or crops thereon, the department shall investigate and study the situation with respect to damage and depredation. The department may then decide to open a special season on the game or, if the special season method be not feasible, the department may destroy the animals causing the damage. The department may authorize and grant the holders of said property permission to kill or destroy a specified number of the animals causing the damage. No wild ferocious animal damaging property or endangering life shall be covered by this section. History: En. Sec. 10, Ch. 60, L. 1937; and, Sec. 13, Ch. 617, L. 1977; R.C.M. 1947, 26-135.

87-1-225. If an animal is "protected" under Montana law, this section gives the Department of Fish, Wildlife & Parks the authority to destroy an animal that is causing damage to property or crops.

87-1-226. Disposition of meat of animals damaging property. The meat of all animals killed or destroyed pursuant to 87-1-225 by the department or the authorized landholder shall be conserved and given to state institutions, school lunch programs, or the department of social and rehabilitation services. The department shall provide transportation and distribution of the meat. History: En. Sec. 2, Ch. 60, L. 1937; and, Sec. 22, Ch. 519, L. 1977; R.C.M. 1947, 26-136.

87-1-227. Hunting rights on adjoining federal wildlife preserves. (1) The department shall negotiate for and enter into written agreements with owners, lessors, lessees, or others having control of areas, tracts, or parcels of land adjoining or contiguous to any United States federal wildlife preserve, including any wildlife refuge for migratory waterfowl in any section of Montana, for the purpose of securing equal hunting and shooting rights for all resident holders of fish and game licenses in Montana on such adjoining and contiguous lands and preventing such preserves from being surrounded by lands wherein such licenses may not enter. The department shall, further, open or cause to be opened to public hunting and shooting of migratory waterfowl on any roadside lanes, and trails not a part of the traveled portion of any federal-aid highway system within a 1-mile limit from the boundaries of any such preserve or refuge. The department shall cause any such areas, tracts, roads, lanes, or trail to be plainly posted with clear signs showing the boundaries of the areas, tracts, roads, lanes, or trails open to shooting and hunting by licensees.

(2) The department is hereby authorized to negotiate the payment of a reasonable sum to landowners, lessors, or lessees for the right of the department to create a public shooting area upon their lands. The amount that may be paid for such purpose shall rest in the discretion of the department.

History: En. Sec. 10, Ch. 224, L. 1943; and, Sec. 13, Ch. 617, L. 1977; R.C.M. 1947, 26-1120, 26-1121.

87-1-228. Agreement with Indians concerning hunting and fishing. Indian treaty of 1855. (1) Whereas, by treaty of July 16, 1855, between the United States of America, represented by Isaac I. Stephenson, governor and superintendent of Indian affairs for the territory of Washington, and the chiefs, headmen, and delegates of the confederated tribes of the Flatheads, Montanais and Upper Pend Oreille Indians, the said Indians were given the exclusive right to fish and hunt on the Flathead Indian reservation and the

1973 Nongame and Endangered Species Act

(6) "Person" means any individual, firm, corporation, association or partnership.

(7) "Take" means to harass, hunt, capture, or kill or attempt to harass, hunt, capture, or kill wildlife.

(8) "Wildlife" means any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean, or other wild animal or any parts, products, eggs, or offspring or the dead body or parts thereof.

History: En. Sec. 2, Ch. 46, L. 1973; and, Sec. 12, Ch. 417, L. 1977; R.C.M. 1947, 26-1802(3), (part (4)), (5) thru (10).

27-5-103a. Legislative Policy. The legislature finds and declares all of the following:

(1) that it is the policy of this state to manage certain nongame wildlife for human enjoyment for scientific purposes, and to insure their perpetuation as members of ecosystems;

(2) that species or subspecies of wildlife indigenous to this state which may be found to be endangered within the state should be protected in order to maintain and to the extent possible enhance their numbers;

(3) that the state should assist in the protection of species or subspecies of wildlife which are deemed to be endangered elsewhere by prohibiting the taking, possession, transportation, exportation, processing, sale or offer for sale or shipment within this state of species or subspecies of wildlife unless such actions will assist in preserving or propagating the species or subspecies.

History: En. Sec. 3, Ch. 46, L. 1973; R.C.M. 1947, 26-1803.

27-5-104. Investigations. By the Department the department shall conduct investigations on nongame wildlife in order to develop information relating to population, distribution, habitat needs, limiting factors, and other biological and ecological data to determine management measures necessary for their continued ability to sustain themselves successfully. The department shall conduct ongoing investigations of nongame wildlife.

History: En. Sec. 4, Ch. 46, L. 1973; and, Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-1804(part).

27-5-105. Regulations. (1) On the basis of the determinations made pursuant to 27-5-104, the department shall issue management regulations. Such regulations shall set forth species or subspecies of nongame wildlife which the department deems in need of management pursuant to 27-5-104 through 27-5-106, giving their common and scientific names by species and subspecies. The department may from time to time amend such regulations on the approval of the legislature by adding or deleting therefrom species or subspecies of nongame wildlife.

(2) The department shall by such regulations establish proposed limitations relating to taking, possession, transportation, exportation, processing, sale or offer for sale, or shipment as may be deemed necessary to manage such nongame wildlife. The department may make such changes in the proposed regulations as are consistent with effective management of nongame wildlife as designated by the legislature.

History: En. Sec. 4, Ch. 46, L. 1973; and, Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-1804(part).

27-5-106. Unlawful Acts. Except as provided in regulations issued by the department, it shall be unlawful for any person to take, possess, transport, export, sell, or offer for sale nongame

27-5-104 (1). Under this section the Department of Fish, Wildlife and Parks can issue management regulations for nongame animals listed as "in need of management." The last sentence in this section clearly states that animals are listed as "in need of management by legislative approval only. After the Legislature reclassifies an animal from a "nongame animal" to "a nongame animal in need of management" the Department can pass regulations. It takes Legislative action to reclassify these animals. As of 1983, no animal is listed as "a nongame animal in need of management." The Wolverine is the only animal that has been on this list. That animal was taken off the list and reclassified as a "Furbearer" in the 1970's.

MONTANA WILDLIFE FEDERATION

Testimony on HB 377

Senate Fish & Game Committee

March 19, 1983

Mr. Chairman, members of the Committee, my name is Ken Knudson, here today representing the Montana Wildlife Federation in support of HB 377.

My organization is very proud of the fact that on a national scale, our state is known to have the finest wildlife populations to be found anywhere. The MWF also recognizes that of these populations, there are many more kinds of "watchable" wildlife populations than there are "hunnable" populations. We further realize that all kinds of wildlife live together in ways that make them interdependent upon each other and the land that they share with all of us.

It is truly unfortunate that very little is known about the over 100 mammals and 400 birds of our state, since nearly all of the past work and management has been centered around less than 3% of those animals - the ones that are actually hunted or trapped. Until 10 years ago, nongame animals were hardly even recognized within the programs of our state wildlife agency, even though they have obvious impacts and benefits to agriculture and "hunnable" wildlife alike.

Speaking as a wildlife biologist, I know that the population trends of many of these birds and mammals are very cyclic, reaching predictable peaks during certain years and plunging dramatically during others. Once these predictable ups and downs of populations are understood, we soon realize, for example, that there is no need to panic when we don't see as many bluebirds or burrowing owls during a given year. As to more direct applications to agriculture, if we can better predict when to expect an inevitable population "boom" year for certain kinds of small mammals, we can begin to investigate ways to modify agricultural practices during those years - including planting of more tolerant crops, changing range management schemes or implementing progressive population control methods, all of which will help alleviate potential impacts. Furthermore, if such population "booms" would likely impact the forage on the winter ranges of deer and elk, wildlife biologists would realize that more huntable animals would have to be harvested that year to prevent many of them from grazing on haystacks or starving to death during winter. The point is, understanding nongame animals will potentially benefit everyone. Lack of understanding, which is pretty much where we are now, is not helping anyone.

In previous testimonies against this funding bill, there has been concern expressed about how this very small and in our opinion, very underfunded program, might impact private landowners. The answer to this - if we all recognize and appreciate the potential of the program - is that they will not be impacted at all; rather, if understanding the needs of nongame animals is approached in a positive manner, the program will be of increasing benefit to everyone. There is no reason why a large portion of the information generated by this program couldn't be aimed at benefiting both the people interested in wildlife management and the people involved in making a living off the land.

The amendment that we understand Senator Lee will be offering today should help do this. By requiring that the Fish and Game Commission approve the usage of all funds for the nongame program, a public forum will be established to discuss where, how and to what the program will be directed.

The MWF hopes that there will be active participation by all segments of the public during the establishment of priorities for the nongame program. We also hope that there eventually will be generous voluntary contributions to the program by everyone - landowners and recreationists alike.

The MWF would therefore request that this committee and this legislature give a do pass to HB 377, so we can have a funded watchable wildlife program in Montana like those that exist in most of our neighboring states. Nowhere else but Montana will you find a better wildlife or agricultural base; let's work together to keep it that way.

Exhibit 13

NAME: Betsy Spettigue DATE: 3-19-83

ADDRESS: 4156 Itana Circle, Bozeman MT
59715

PHONE: 406-586-3747

REPRESENTING WHOM? SELF

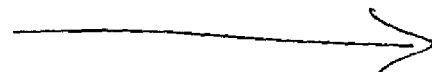
APPEARING ON WHICH PROPOSAL: HB#377

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENT: Question of Precedence: HB#377 Funding

- ① The structure of private groups is not such that the state can collect monies for their use - only public purposes.
- ② State Agencies: can ask for a check-off BUT:
 - (a) other state groups do not have the same qualifications that the non-game program does because
 1. 1973 Nongame Act mandates the state to have a non-game program.
 2. most state agencies have access to the General Fund. Traditionally, the MT dept. of Fish, Wildlife + Parks has been an exception to this - supported by hunting + fishing license fees. Follows tradition by this funding means

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

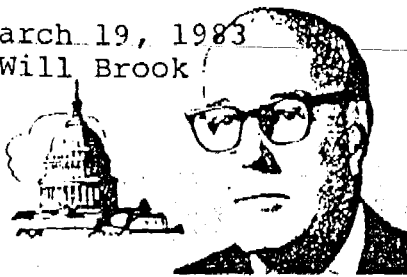


3. Non-game program is not a special interest concern. Wildlife benefits everyone.

(B) Other states with non-game check-off have either not had this problem or have handled it as it came up.

(C) The legislature has the final word on the "precedent-setting" problem.

/GA



der for 10 days halting the EPA from any further action on this program pending a hearing on a motion for a preliminary injunction by the Humane Society. The hearing was originally scheduled for Wednesday, March 27th with the possibility of a further postponement. At any rate, I will advise you further as soon as there is anything to report.

FROM REPORT NO. 2 & 3

Humane Society Sues EPA. The Humane Society of the United States is bringing suit against EPA in the Federal District Court in Washington, D.C. for instituting the M-44 experimental program in Texas. Yesterday Judge Flannery issued a temporary restraining order for ten days against EPA to prohibit establishment of the program. Next Monday, March 11, there will be a hearing on a motion for a preliminary injunction by the Humane Society. If the Humane Society should prevail in the hearing next Monday, we are advised that would have the effect of continuing the restraining order. In that case, the EPA could appeal and go to trial. If the judge rules against the Humane Society next Monday, then that organization could appeal but in the meantime the program would go back into effect.

Land Use Bill Stymied. The powerful House Rules Committee, which determines whether or not a bill can reach the House floor for action, this week, by a 9 to 4 vote, halted floor consideration of H.R. 10294 the Land Use Planning Bill. This is the bill we have opposed because it intrudes on states' rights and could adversely affect state and local land planning as well as uses of private property. Representative Morris K. Udall (Ariz.), principal sponsor of the measure, said the action of the Rules Committee was a "temporary setback", but another Arizona Congressman, Sam Steiger, said he would be very surprised if the bill were revived this year. Steiger has a substitute bill, H.R. 11325, ready to offer on the House floor if and when Udall's bill is considered. Steiger's bill will be much more acceptable to the livestock industry because it has virtually no specifications on what the states should include in their land use plans.

STATUS OF M-44

Some of you may be wondering about the status of the suit filed by the Humane Society of the United States against the Environmental Protection Agency to halt the experimental M-44 program in Texas. Judge Flannery of the U.S. District Court here on March 4th issued a temporary restraining order

In the meantime, the predator control suit has been filed by the State of Wyoming, Wyoming Wool Growers Association and others against the Interior Department, EPA, Agriculture Department and the Department of Health Education and Welfare. This suit has been filed in the U.S. District Court in Wyoming.

THE MOST DANGEROUS ANIMAL IN AMERICA.



In one year, sheep ranchers have caused the poisoning of 213,000 wild animals. Bobcats, bears, mountain lions, coyotes, foxes and even—God help us—hundreds of American bald eagles.

In 1972 the Administration banned these chain-of-death poisons as a move toward the "peace with nature" promised by the President.

Today, 21 U. S. Senators, all from wool-growing states, are pressing to have this poison ban rescinded.

Wire or write immediately asking that the administration hold fast to the poison ban. Send your message to Russell Train, Environmental Protection Agency and to Rogers C. B. Morton, Secretary of the Interior, both in Washington, D. C.

Extinct is Forever.

Please join us in protecting your animals, your land. If you can afford \$10 or more we'll send you a 24"x36" poster of 22 breath-taking endangered species, entitled "Extinct is Forever".

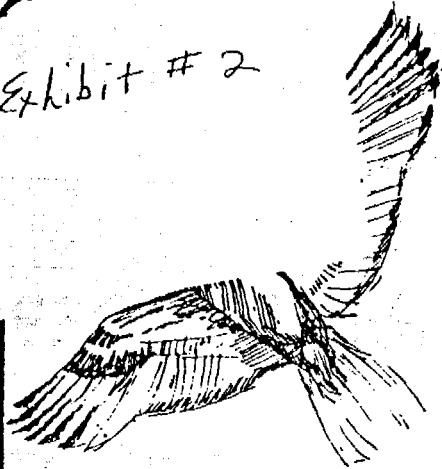
Alice Herrington, President
 Friends of Animals, Inc.
 11 W. 60th St., N.Y.C. 10023.

I'm with you. Enclosed is my contribution of \$____ (payable to FoA and tax-deductible) to be used solely for protecting animals.

Name _____
 Address _____
 City _____ State _____ Zip _____

FRIENDS OF ANIMALS

Exhibit # 2

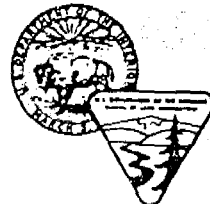


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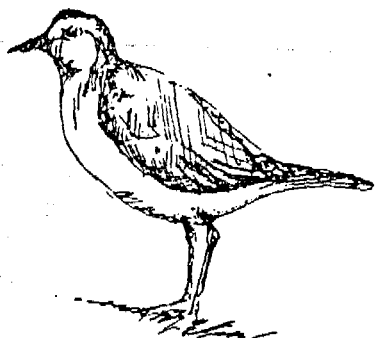
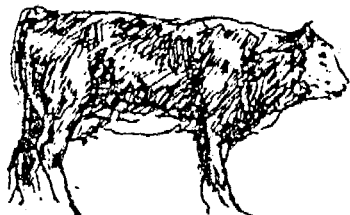
PRAIRIE DOG

CONTROL/MANAGEMENT
IN PHILLIPS RESOURCE AREA

Programmatic
Environmental
Assessment



AUG 16 1982



United States Department of the Interior
Bureau of Land Management
Lewistown District — Phillips Resource Area

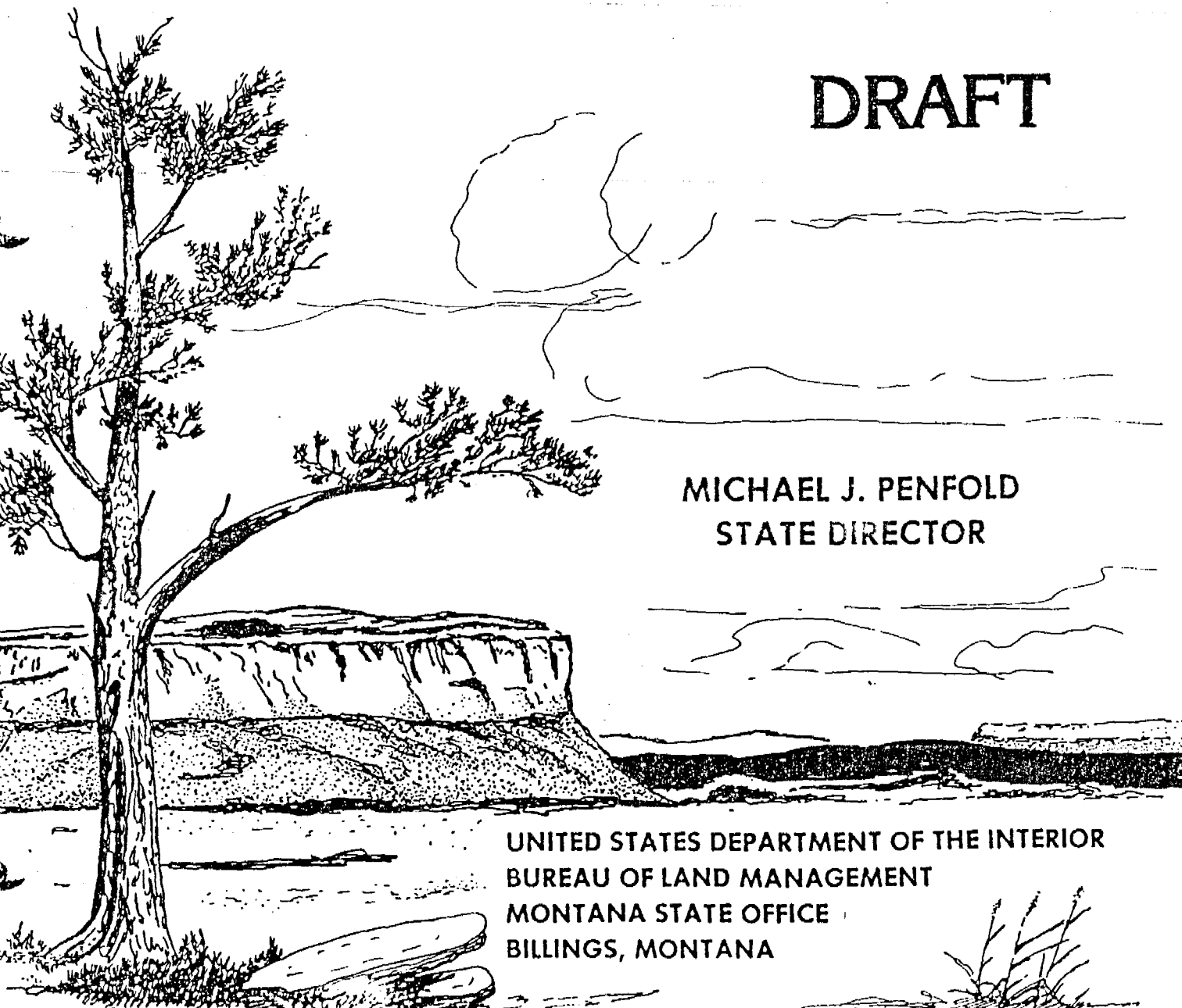
JUNE 1982

STATE DIRECTOR GUIDANCE FOR RESOURCE MANAGEMENT PLANNING IN IA AND THE DAKOTAS

Exhibit # 3

DRAFT

MICHAEL J. PENFOLD
STATE DIRECTOR



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MONTANA STATE OFFICE
BILLINGS, MONTANA

The BLM recognizes the prairie dog ecosystem as an integral part of the prairie environment, and that its perpetuation should be consistent with multiple use management of public lands. The following policies shall apply in this regard:

1. Selected prairie dog towns will be maintained at a level to support a viable population of prairie dogs for public uses, including nature study, scientific research, photography, educational study and sport hunting.
2. Selected prairie dog towns will be maintained at a level to provide habitats for more than 20 associated wildlife species, six of which have been designated as species of special concern by Montana Department of Fish, Wildlife and Parks.
3. Selected prairie dog towns will be maintained at a level to provide habitat for species designated as threatened or endangered by Federal and State laws. Currently, the black-footed ferret is the only endangered species known to use prairie dog towns as their primary habitat. Public lands will be maintained to support at least one wild self-sustaining population of ferrets in Montana as prescribed by the Fish and Wildlife Service's Blackfooted Ferret Recovery Plan.

Although some prairie dog towns may be managed primarily for wildlife and recreational values, others not selected for these purposes will be subject to multiple use management. Where prairie dogs are reported to damage public and adjoining private rangelands, the following policy shall apply:

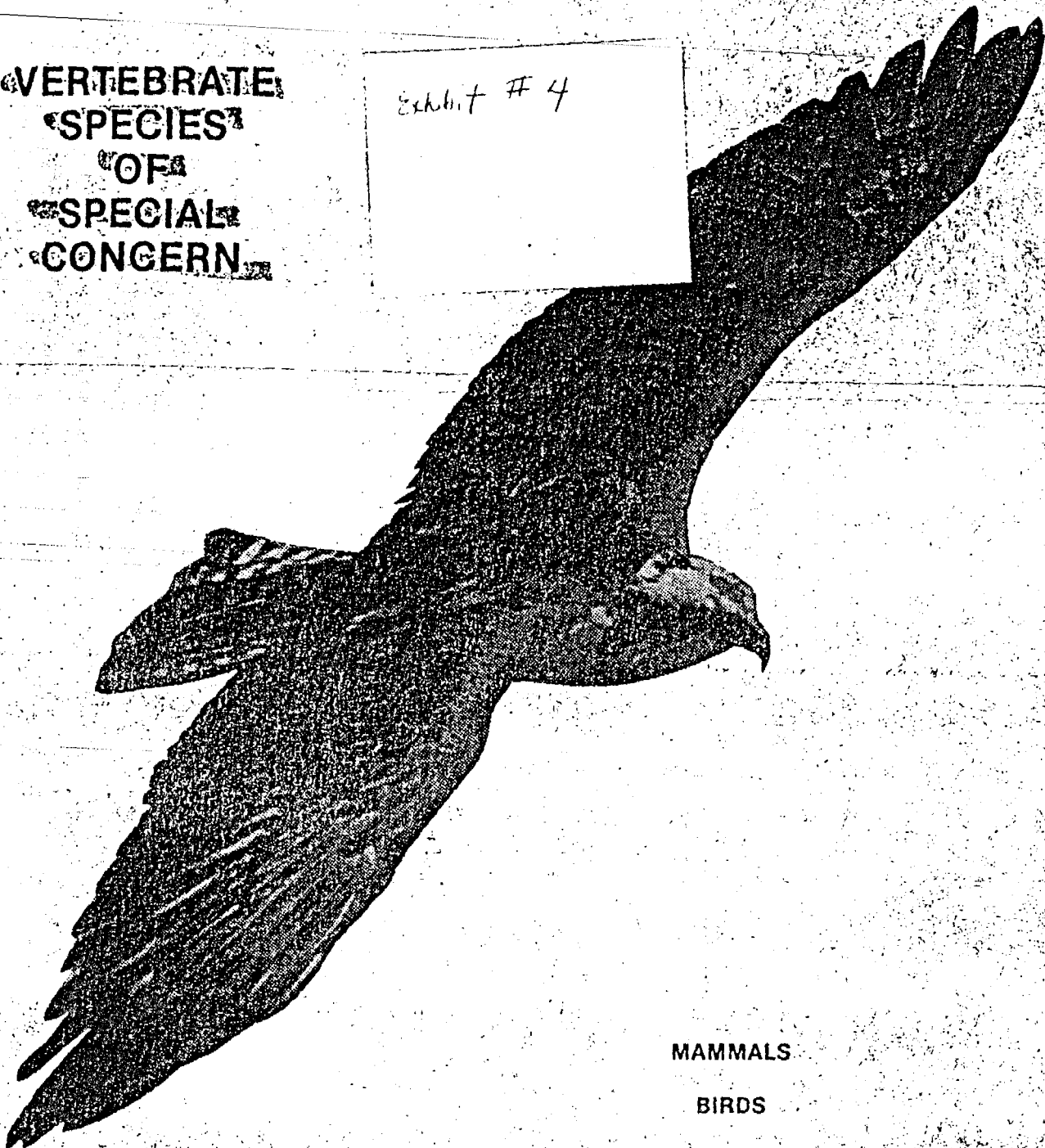
1. Where it has been documented through field investigation that prairie dogs cause unacceptable damage to public resources, such as soil loss or destruction of vegetation, a variety of land treatments including prairie dog control will be considered for rehabilitating rangelands. Other treatments may include such practices as watershed improvements and manipulation of livestock grazing. Prairie dog control will be carried out by appropriate State and Federal agencies using techniques recommended by them and approved by BLM.
- Sport hunting of prairie dogs, as permitted under State law, is recognized as a legitimate recreational use of public lands; hunters may be directed to towns approved for control.
2. Before control plans for any prairie dog towns can be approved by BLM, each town must be intensively inventoried for threatened and endangered species. If such species are present, any proposal for control must clearly demonstrate that it will not jeopardize the continued existence of the species or destroy or adversely modify its habitat.
3. All approved control plans will be fully coordinated with appropriate State and Federal agencies.

In the RMP process, the planning decision will be to designate, based on inventory and other pertinent information, the prairie dog habitat areas which fall into the following categories as described above: (1) public use, (2) maintenance of habitat needed for associated species, (3) maintenance of habitats for threatened or endangered species, (4) habitat areas where control is needed. More specific planning will then be completed when the Habitat Management plan is prepared.

The BLM recognizes that implementing this policy will require close coordination with Federal and State agencies and private landowners. These include, but are not limited to: Montana Department of Fish, Wildlife and Parks, Montana Department of Livestock, United States Fish and Wildlife Service, livestock operators on public lands, and private landowners whose property adjoins public land.

**VERTEBRATE
SPECIES
OF
SPECIAL
CONCERN**

Exhibit # 4



MAMMALS

BIRDS

REPTILES

AMPHIBIANS

FISHES

Prepared by Dennis L. Fiath, Nongame Biologist
WILDLIFE DIVISION, MONTANA DEPARTMENT OF FISH,
WILDLIFE AND PARKS - JANUARY, 1981

INTRODUCTION

This 1981 listing of species of special interest or concern incorporates a number of changes from previous issues. For the first time, it was felt necessary to include game as well as nongame species. This was largely due to the fact that several quite rare fish species are legally classified as "game," and also due to a desire to achieve a degree of consistency with other western states in classifying the status of wildlife species.

Changes were made in the format of this booklet to accommodate the reader. County inventories now appear in alphabetical order, rather than by county number sequence. Each species that is known or suspected to occur in a particular county or latilong has its listing accompanied by abbreviated annotations under three different headings. References to potential occurrence and former range have been deleted. Abbreviations used in the inventories are defined below.

Occurrence Definitions

Known: A species whose occurrence has been documented by collection of a specimen or reliable observation provided that such data was acquired since the most recent occurrence of events which could have served to eliminate the subject species.

Susp. (Suspected): A species believed to occur, but which has not been documented by a specimen or reliable observation since the most recent occurrence of events which could have served to eliminate the subject species.

Breed. (Breeding): A bird species which has been documented as having produced eggs or young.

Breed? (Breeding?): A bird species which is suspected of breeding, but for which production of eggs or young has not been documented.

Trans. (Transient): A bird species which has been known to occur in a nonbreeding status. This includes the usually accepted terms of accidental and migrant, as well as winter occurrence.

Status Definitions

End. (Endangered): A species which is in danger of extinction, and which appears on either the United States list of endangered species pursuant to Section 4, of the Endangered Species Act of 1973, as amended; or appears on the Montana list of endangered species pursuant to Section 87-5-107; R.C.M.

Thr. (Threatened): A species which is likely to become an endangered species within the foreseeable future, and which appears on the United States list of threatened species pursuant to Section 4 of the Endangered Species Act of 1973, as amended.

Periph. (Peripheral): A species whose total range within the state is restricted to not more than five counties. Bird species are considered peripheral if known and suspected breeding occurs in not more than five latilongs.

Rare: A species which is seldom encountered during the course of investigations utilizing techniques which could reasonably be expected to reveal the presence of the subject species. Also included is an assessment of expected frequency of occurrence compared to observed frequency of occurrence.

Com. (Common): A species which is frequently encountered during the course of investigations utilizing techniques which could reasonably be expected to reveal the presence of the subject species.

Also included is an assessment of expected frequency of occurrence compared to observed frequency of occurrence.

Undet. (Undetermined): A species for which available data and knowledge are insufficient to properly assess the status of the subject species.

Added Concerns Definitions

CITES: A species which appears on any of the appendices to the Convention on International Trade in Endangered Species, as amended.

Sens. (Sensitive): A species which is judged particularly vulnerable to disturbance or habitat loss due to natural or man-caused factors.

Hab. (Habitat): A species which is judged to be faced with imminent loss, destruction or adverse modification of primary essential habitat.

Un. (Unique): A species which provides essential ecological values to other forms of wildlife, such values generally not being available in the absence of the species.

Red. (Reduced): A species which exists at a population level less than one half the former population level, or whose range is less than one half the former range.

The following discussions, by taxa, pertain only to those forms of wildlife which are considered as being of special interest or concern. The county and latilong inventories should be considered a means of highlighting certain species for data acquisition and subsequent management efforts. In some cases it is anticipated that additional data accumulation will result in a determination of "secure" status. In other cases, it is hoped that field studies will point the way to necessary and appropriate management actions.

MAMMALS

Twenty-seven species of mammals are considered as being of special interest or concern. General distribution is based primarily on information provided by Burt and Grossenheider (1964), Hoffman and Pattie (1968), Hoffman, Pattie and Bell (1969), Hoffman, Wright and Newby (1969), and Lumpe, et al. (1974).

The long-legged bat (*Myotis volans*) has been deleted from these inventories. Field observations have indicated that the species is more widespread than formerly thought (Swenson and Shanks 1979), and is apparently quite abundant in some areas.

INSECTIVORA: Four species are considered:

Merriam's shrew	<i>Sorex merriami</i>
Preble's shrew	<i>Sorex preblei</i>
Dwarf shrew	<i>Sorex nanus</i>
Pygmy shrew	<i>Microsorex hoyi</i>

All species are quite rare, with only *S. preblei* enjoying a wide distribution within the state. New locations for *S. merriami* and *S. preblei* have recently been determined by Dood (1980) and Flath (unpub. data).

Although never recorded in Montana, the Arctic shrew (*Sorex arcticus*) and the short-tailed shrew (*Blarina brevicauda*) could possibly occur in the northeastern portion of the state (Hoffman and Pattie 1968).

CHIROPTERA: Six species are considered:

Keen's bat	<i>Myotis keenii</i>
California bat	<i>Myotis californicus</i>
Fringed bat	<i>Myotis thymnodon</i>
Spotted bat	<i>Euderma maculatum</i>
Big-eared bat	<i>Plecotus townsendii</i>

M. californicus has only been recorded from extreme western Montana (Hoffman, Pattie and Bell 1969). However, its taxonomic position as indicated by Findley (1972), its use of habitat types, and its sympatricity with the Least bat (*M. leibii*) (Hogan 1975) all indicate that this species could be more widespread in Montana.

The Spotted bat (*Eudernia maculatum*) has only been recorded once for Montana (Nicholson 1950). A review of the habitat requirements of *Eudernia* by Snow (1974) and Barbour and Davis (1969) suggest that suitable habitat for this species is present in Montana just south of the only collection site (Billings). A survey of the bat fauna in the Pryors has never been made, yet this is the area most likely to harbor *Eudernia*.

Both Hall and Kelson (1959) and Barbour and Davis (1969) have indicated that Keen's bat (*Myotis keenii*) occurs along the eastern boundary of Montana. Hoffman, Pattie and Bell (1969) state there are no records of this species from Montana. Recently, Swenson and Shanks (1979) have documented the occurrence of Keen's bat in eastern Montana.

The Pallid bat has recently been recorded for Montana. A single specimen was mist-netted in south-central Carbon County in 1978 (Shryver and Flach 1980).

There is also a slight possibility that the Red bat (*Lasiurus borealis*) may be found in eastern Montana (Hoffman and Pattie 1968).

RODENTIA: Eight species are considered:

Hoary marmot	<i>Marmota flaviventris</i>
Black-tailed prairie dog	<i>Cynomys ludovicianus</i>
White-tailed prairie dog	<i>Cynomys leucurus</i>
Uinta chipmunk	<i>Eutamias umbrinus</i>
Great Basin pocket mouse	<i>Perognathus parvus</i>
Hispid pocket mouse	<i>Perognathus hispidus</i>

Northern bog lemming
Meadow jumping mouse

Synaptomys borealis
Zapus hudsonius

Wright (pers. comm.) has indicated that a single specimen of *Synaptomys borealis* was recently taken in Missoula County. Additional data on the occurrence of *Zapus hudsonius* has been provided by Matthews (1979 and 1980).

CARNIVORA: Eight species are considered:

Grizzly bear	<i>Ursus arctos</i>
Fisher	<i>Martes pennanti</i>
Black-footed ferret	<i>Mustela nigripes</i>
Wolverine	<i>Gulo gulo</i>
Spotted skunk	<i>Opilogale gracilis</i>
Swift fox	<i>Vulpes velox</i>
Wolf	<i>Canis lupus</i>
Lynx	<i>Lynx lynx</i>

Both the black-footed ferret and the wolf are listed as endangered species, while the grizzly bear is listed as threatened. Currently, there are two ongoing studies of grizzly bears, one each in the Bob Marshall and Yellowstone ecosystems. Ferret and wolf studies have been deferred.

The fisher, wolverine, swift fox and lynx are all classified as furbearers under Montana law. Seasons allow for taking of one each of wolverine and lynx by licensed trappers. Both the fisher and swift fox are completely protected by closed seasons.

Expansion of the wolverine's range in Montana has been documented by Newby and Wright (1955) and Newby and McDougal (1964). Hornocker and Hast (1981) have compiled data on population density and habitat utilization of wolverines in northwestern Montana.

The swift fox has generally been regarded as extinct in Montana (Hoffman, Wright and Newby 1969). McDaniel (pers. comm.), however, has demonstrated an increase in this species in Nebraska and South Dakota. More recently Sharps (pers. comm.) has studied swift foxes in South Dakota and believes the species is increasing. In March, 1978 an adult male swift fox was taken in southwestern Custer County (Moore and Martin 1980). Additional survey and inventory work is needed to ascertain the status of the swift fox in Montana.

ARTIODACTYLA: One species is considered:

Caribou	<i>Rangifer tarandus</i>
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Although currently classified as a game species, the caribou is not hunted and considered extinct in Montana for all practical purposes. The last reliable sighting of caribou in Montana occurred in 1971.

BIRDS

Twenty-nine species of birds have been identified as being of special interest or concern. The Swainson's hawk and mountain bluebird have been deleted. Field observations of both species reveal apparently strong populations and good productivity. It is felt that research and management attention should be focused on other species whose status is less clear, or which are judged to be in greater need of attention. Additions or deletions of other bird species may occur as additional information on their status is compiled.

Distribution and inventory data for birds are based primarily on Skaar (1980), although many individuals throughout the state have provided input.

ANSERIFORMES: One species is considered:

Marlequin duck	<i>Histrionotus histrionotus</i>
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FALCONIFORMES: Nine species are considered:

Goshawk	<i>Accipiter gentilis</i>
Cooper's hawk	<i>Accipiter cooperii</i>
Ferruginous hawk	<i>Buteo regalis</i>
Golden eagle	<i>Aquila chrysaetos</i>
Bald eagle	<i>Haliaeetus leucocephalus</i>
Osprey	<i>Pandion haliaetus</i>
Prairie falcon	<i>Falco mexicanus</i>
Peregrine falcon	<i>Falco peregrinus</i>
Pigeon hawk	<i>Falco columbarius</i>

GRUPIFORMES: One species is considered:

Whooping crane	<i>Grus americana</i>
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CHARADRIIFORMES: Three species are considered:

Mountain plover	<i>Charadrius montanus</i>
Long-billed curlew	<i>Numenius phaeopus</i>
Upland sandpiper	<i>Bartramia longicauda</i>

STRIGIFORMES: Six species are considered:

Pygmy owl	<i>Glaucidium gnoma</i>
Burrowing owl	<i>Speotyto cunicularia</i>
Barred owl	<i>Strix varia</i>
Great gray owl	<i>Strix nebulosa</i>
Long-eared owl	<i>Asio otus</i>
Saw-whet owl	<i>Aegolius acadicus</i>

PICIFORMES: One species is considered:

Pileated woodpecker	<i>Dryocopus pileatus</i>
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PASSERIFORMES: Eight species are considered:

Olive-sided flycatcher	<i>Myiarchus cinerascens</i>
Eastern bluebird	<i>Sialia sialis</i>

Western bluebird	<i>Stelgia serripennis</i>
Bobolink	<i>Ictidophaga spurius</i>
Dickcissel	<i>Spiza americana</i>
Clay-colored sparrow	<i>Spizella pallida</i>
Brewer's sparrow	<i>Spizella breweri</i>
Field sparrow	<i>Spizella pusilla</i>

REPTILES

Five species of reptiles have been identified as being of special interest or concern.

Distribution and inventory data are based on Carl (1960), Stebbins (1966), Davis and Weeks (1963) and Brunson (pers. comm.).

TESTUDINATA: Two species are considered:

Snapping turtle	<i>Chelydra serpentina</i>
Spiny softshell	<i>Apalone spiniferus</i>

SQUAMATA (Serpentes): Three species are considered:

Smooth green snake	<i>Ophedrys vernalis</i>
Milk snake	<i>Lampropeltis triangulum</i>
Plains hognose snake	<i>Heterodon nasicus</i>

All three species of snakes are very rare in Montana. Black and Bragg (1968) indicated that the smooth green snake may occur in northeastern Montana. Distribution of the milk snake needs to be clarified since McEneaney and Jensen (1974) reported the species for the Charles M. Russell National Wildlife Range. This is far outside the range outlined by Davis and Weeks (1963).

AMPHIBIANS

Six species have been identified as being of special interest or

concern. Their distributions are based primarily on Black (1970), Stebbins (1966), Carl (1960) and Brunson (pers. comm.).

CALAMATA: Three species are considered:

Rough-skinned newt	<i>Taricha granulosa</i>
Coeur d'Alene salamander	<i>Plethodon wandelii</i>
Pacific giant salamander	<i>Desmognathus ensatus</i>

One recent observation of *Taricha* in Sanders County has added this species, even though a specimen is not available.

It is questionable whether or not *Desmognathus* occurs in Montana. Black (1970) states "There are few records of their occurrence in Montana." Brunson (pers. comm.), however, maintains that this species does not occur in Montana and that published records of its occurrence are mistaken. Stebbins (1966) states that it occurs in the "Rocky Mountains of Idaho and Montana." His reference to collection sites, however, are all in Idaho.

A neotenic form of the tiger salamander (*Ambystoma tigrinum*) will be encountered on occasion. These are known as "axolotls," which retain external gills throughout the life cycle. Axolotls could be encountered in any body of permanent water which lies near the upper altitudinal limit of the tiger salamander. Axolotls should be considered of special interest or concern, even though the tiger salamander is not. Axolotl distribution is unknown, and does not appear in the county inventories.

SALIENTIA: Three species are considered:

Tailed frog	<i>Ascaphus truei</i>
Dakota toad	<i>Bufo hemiochrus</i>
Wood frog	<i>Rana sylvatica</i>

R. sylvatica has recently been found in Beaverhead County, and Dunlap (1977) has recorded the species for the Big Horn Mountains of Wyoming.

WITNESS STATEMENT

Name Esther D. Ruud Committee On Senate Fish & Game
 Address Malta Date 3/19/83
 Representing Montana Cattlemens Assn. Support _____
 Bill No. HB 377 Oppose X
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. We strongly oppose HB 377.

First of all let me define nongame wildlife as any wildlife that is not considered as game or endangered species is considered nongame.

2. We are concerned that the funding in this bill would allow collection and application of biological information for the purpose of increasing the number of individuals within species and populations of wildlife up to the optimum carrying capacity.
3. We wonder who determines what the optimum carrying capacity will be, and are there any limits?

4. A total ecosystem, also concerns us, when we know that means a system of living organisms and their environment, each influencing the existence of the other and both necessary for the maintenance of life. Not only must they be allowed the optimum carrying capacity of their habitat, but they must be able to maintain that level. In order to maintain that level there will have to be research, census, law enforcement, habitat acquisition and improvement, as well as education. And if it is found to be necessary there will be periodic or total protection of species or populations as well as regulated taking. If they are protected from regular taking it would mean that they could not be hunted, captured, harassed, killed, or even have anyone attempt to do anything like it. We are concerned that our livestock operations could be adversely affected by this.

(continued on next page)

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

I would like to explain to you a little bit more of what nongame wildlife means. It means any wild mammal, which is usually an animal covered with hair that produces milk to nourish their young. Birds, of all kinds which are not considered game birds or endangered species. Reptiles, such as snakes, lizards, turtles, alligators, crocodiles, etc. Amphibians, such as frogs, salamanders and many extinct forms, (extinct forms are forms which are exterminated), and other forms which can live on land or water. Fish, a word we are all familiar with. Mollusk, such as shellfish, clams, snails, etc. Crustacean, means it has crust like shells such as lobsters, crabs, barnacles, (shell fish found attached to rocks and ships), sow-bugs, shrimp, wood lice, water fleas, etc. Or any other wild animal or any part, product, egg, or offspring or the dead body or parts thereof.

(Under Federal Law)

Let me name just a few of the nongame species that you are perhaps more familiar with, they include owls, hawks, raccoons, white-tailed jack rabbit, killdeer, woodpeckers, big brown bat, short-tailed weasel long-tailed weasel, least weasel, wolverine, striped skunk, spotted skunk, badger, black-tailed prairie dog, and many more.

I would like to address the prairie dog towns in Phillips County. According to the Montana Bureau of Land Management Prairie Dog Policy as of April, 1980, it states that although some prairie dog towns may be managed primarily for wildlife and recreational values, others not selected for these purposes will be subject to multiple use management. Where prairie dogs are reported to damage public and adjoining private rangelands the following policy shall apply. One of the three policies states that before control plans for any prairie dog towns can be approved by B.L.M., each town must be intensively inventoried for threatened and endangered species. If such species are present, any proposal for control must clearly demonstrate that prairie dog control will not jeopardize the continued existence of the species or destroy or adversely modify its habitat.

According to a B.L.M. study, June 1982, Phillips County Resource Area had at least 173 prairie dog towns covering about 11,555 acres. On public lands alone, they knew of 96 prairie dog towns covering approximately 8,275 acres within 43 allotments. This study does not include what may be on the Charles M. Russell National Wildlife Refuge or the Fort Belknap Indian Reservation. It does however include a study of approximately 1.1 million acres of public lands intermingled with approximately 2.2 million acres of private and state lands. Some permittees with large portions (up to 69%) of their allotments are covered by these towns. These permittees, and neighboring allotments, are bearing the brunt of present damage and will be the first to bear the brunt of possible prairie dog expansion, their report states.

The black-tailed prairie dog according to the BLM report was first identified as a range pest in 1924. However, no real intensive action took place to control prairie dogs until 1931. Strychnine oats were spread over 170,000 acres of rangeland from 1931 to 1933. By 1933 there were few prairie dogs left in the county. Poisoning continued on the few remaining towns until 1939, when it was felt that prairie dogs had been eliminated from Phillips County. However, here we are in 1982 with at least approximately 8,274 prairie dogs on public lands alone. According to BLM estimates, if no control is implemented on these prairie dogs, by September 1, 1996, we will have 298,382 (approx. acres of land occupied by

prairie dogs on public lands alone, plus those on private land, and any that may be on the Charles M. Russell National Wildlife Refuge, and the Fort Belknap Indian Reservation.

If you have ever seen a prairie dog town, you know that the vegetation is almost completely denuded by the actions of the prairie dogs. The aboveground portions of the plants are eaten or clipped until virtually all vegetation is gone. The prairie dogs then dig up the root systems of these plants. The topsoil is no longer stable and soon disappears as a result of wind and water erosion. The resulting soils support very little if any vegetation. Therefore, not only are livestock to be considered when it comes to an over abundance of prairie dogs, but also to be considered is the significant impact it can have on big game, game birds, waterfowl, fisheries, recreation, social and economic conditions, as well as soil erosion.

According to the B.L.M. figures in the Phillips Resource Area, the value of an AUM lost is \$13.42, (in the Butte area it is valued at \$16.95, per AUM lost), and with no control of prairie dogs, in approximately 15 years, 179,865 acres of good to excellent range conditions could deteriorate to poor to fair condition with a resultant loss of 188,700 AUMS. If you take 188,700 AUMS times \$13.42, you will see that Phillips County could have a loss of \$2,532,354.00. Just think of what that loss could do to a number of individuals, the county tax revenues, state taxes, federal government, etc.

Also no control of the prairie dog towns could provide approximately 298,382 acres of potential habitat for the black-footed ferret in approximately 15 years on public lands in the Phillips Resource Area. Being contiguous to the Charles M. Russell National Wildlife Refuge, the resource area would provide additional habitat for the success of any proposed black-footed ferret reintroductions.

In order to protect these nongame species, a voluntary check-off of your Montana tax refund can be made on your Montana income tax form. We trust that our Montana Legislators realize the economic affect the funding of these nongame species could have on not only livestock producers, but all agricultural producers, as well as the adverse affect it could have on our State's economy, due to loss of land for agricultural purposes. We are sure that our Legislators also realize that if they allow such a check-off, they will be opening the door to other special interest groups. For instance Arkansas has a check off fund to rebuild a football stadium. Idaho an Olympic fund, and Oregon a continuing arts fund. Personally, I wonder why someone didn't propose a voluntary check-off for our Montana Highways.

The Montana Cattlemens Association urges this Committee to vote a do not pass on HB 377.



WIFE Women Involved In Farm Economics

NAME JO BRUNNER BILL NO. HB 377ADDRESS 563 3rd ST HELENA DATE March 19/1983REPRESENT WOMEN INVOLVED IN FARM ECONOMICSSUPPORT _____ OPPOSE X AMEND _____

COMMENTS: MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, FOR THE RECORD MY NAME IS JO BRUNNER AND I REPRESENT THE OVER 400 MEMBER FAMILIES OF OUR ORGANIZATION. I REPRESENT ALSO, TODAY OVER 300 BUSINESSES, ORGANIZATIONS AND INDIVIDUALS WHO MAKE UP THE MONTANA AGRICULTURE BUSINESS ORGANIZATION. I HAVE BEEN REQUESTED TO ENTER THIS TESTIMONY ALSO FOR THE MONTANA GRAIN GROWERS ASSOCIATION, FOR THE AGRICULTURE PRESERVATION ASSOCIATION, FOR THE MONTANA FARM BUREAU, *The Montana Native Farm Organization, The Park County Legislative Association and the Sweetgrass Co. Preservation Association by their respective Agents.* MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, WOMEN INVOLVED IN FARM ECONOMICS THROUGH EXTENSIVE STUDY OF THIS SUBJECT FOR SEVERAL YEARS HAS THE UNANIMOUS APPROVAL OF POLICY TO OPPOSE NOT ONLY THE BILL WE ARE DISCUSSING HERE TODAY, BUT THE ORIGINAL LAW ITSELF.

IT WILL BE STATE THAT WE DO NOT HAVE THE RIGHT TO TELL OTHERS WHAT THEY MAY OR MAY NOT DO WITH THEIR MONEY. WE ARE IN COMPLETE AGREEMENT WITH THAT IF AN INDIVIDUAL WANTS TO CONTRIBUTE HIS OR HER REFUND TO A CAUSE WE ARE AGREEABLE WITH THAT RIGHT----AS LONG AS THAT CAUSE DOES NOT TAKE AWAY OUR RIGHTS!!!!JUST AS THAT PERSON DECIDES HIS RIGHTS, SO SHOULD WE!!!

CERTAINLY WE ARE PROTECTING A LAW THAT HAS BEEN ON OUR BOOKS FOR MORE THAN 10 YEARS AND HAS NEVER BEEN ANABLED?? WHY NOT??? ATTEMPTS ARE MADE EVERY LEGISLATIVE SESSION TO FUND THAT LAW! EVERY LEGISLATIVE SESSION MORE AND MORE MONEY IS FUNNELLED INTO MONTANA BY THE AUDUBON SOCIETY, WILDLIFE PROTECTORS, SIERRA CLUB, WHOEVER IT IS THAT SUPPORTS THE EXTENSIVE MEDIA PROGRAMS ABOUT THE LITTLE BLUEBIRD BOXES AND THE CUTE LITTLE CARTOON FOXES, AND SKUNKS AND COYOTES; THE EXTENSIVE PUBLICITY IN THE NEWSPAPERS ABOUT THE BENEFICIAL VOLUNTEER PROGRAMS UNDERWAY; THE WALL TO WALL LOBBYING EFFORTS: AND WE HAVE NOT YET PROVIDED THE ENABLING FUNDS. WE BELIEVE THERE IS A REASON FOR THIS----IT IS NOT A GOOD LAW AND THE PEOPLE OF MONTANA RECOGNIZE THAT IT IS NOT A LAW BENEFICIAL TO US. WE AGREE WITH MR. FABREGA, THIS LAW SHOULD BE ELIMINATED.

"Hell has no fury like a woman scorned"



WIFE Women Involved In Farm Economics

THE CITIZENS, THE BUSINESSES, THE ORGANIZATIONS I REPRESENT HERE TODAY ARE THE PEOPLE WHO TILL THE SOIL, WHO SUPPLY THE NEEDS OF AGRICULTURE, WHO BELONG TO THE ORGANIZATIONS WHO RAISE THE FOOD WE EAT; WHOSE DOLLAR IS ESTIMATED TO TURN OVER 7 TIMES IN OUR STATES ECONOMY AND WE ARE SPENDING OUR OWN MONEY AND OUR OWN TIME TO PROTEST THE ENABLING OF THIS LAW. WE ARE NOT RELYING ON DIRECTION FROM NEW YORK, OR DENVER TO TELL US WHAT TO SAY, OR TO PROVIDE OUR SALARIES, AND WE DO NOT INTEND TO ENROACH ON THE FREEDOM OR THE RIGHTS OF OTHERS. WE ARE WITHOUT A DOUBT THE MOST CONCERNED ENVIRONMENTALISTS SITTING IN THIS ROOM TODAY, BECAUSE WE DO OUR PROTECTING WILLINGLY AND WITHOUT DESIGNATION OF PROTECTED OR ENDANGERED STATUS. WE ALSO USE COMMON SENSE IN OUR MANAGEMENT PROGRAMS. WE BELIEVE THAT WE HAVE THE RIGHT TO MANAGE SPECIES THAT THREATEN OUR LIVELIHOODS, THAT CAUSE US EXTENSIVE DAMAGE TO OUR CROPS AND TO OUR LIVESTOCK.

WE HEAR THE ARGUMENT THAT OTHER STATES HAVE THIS LAW AND ITS NOT CAUSING ANY PROBLEMS. SINCE WHEN DOES MONTANA HAVE TO HAVE A LAW BECAUSE OTHER STATES DO? PERHAPS WE SHOULD ELIMINATE OUR COAL SEVERANCE TAX BECAUSE MOST OF THE OTHER STATES DONT HAVE ONE??PERHAPS WE SHOULD GIVE SOME OF THE SAME STATES WHO DO HAVE THIS PROGRAM, OUR WATER SIMPLY BECAUSE THEY WANT IT. WHEN I RAISED MY FAMILY, I DIDNT DO IT ON THE THEORY THAT WHAT WAS GOOD FOR THE NEIGHBOR FAMILY WAS GOOD FOR MINE AND A VERY POOR REASON WAS BECAUSE ALL THE OTHER KIDS ARE DOING IT.

THE IMPLEMENTATION OF THIS PROGRAM IS NOT INSTANTANEOUS! COLORADO HAS HAD SUCH LEGISLATION FOR SEVERAL YEARS. IN A 1981 ENDANGERED SPECIES AND NONGAME COMMITTEE REPORT JOHN TORRES OF THE COLORADO WILDLIFE COMMISSION STATES THAT CLOSELY RELATED ASPECT OF THE NONGAME PROGRAM IS THE RELATIVELY UNEXPLORED AREA OF URBAN WILDLIFE. AND---- ON THE 18th DAY OF NOVEMBER, 1981 THE COLORADO LAW WITH THE STATUTORY REFERENCE 33-1-108, NO. 1000, WAS SIGNED INTO BEING: BATS AND RATTLESNAKES WITHIN MUNICIPALITIES MAY BE KILLED WHEN CREATING A NUISANCE AND CAUSING DAMAGE TO PROPERTY! INCIDENTALLY, YOU WILL FIND IN YOUR COPY OF THE FEDERAL LAW THE LANGUAGE THAT MANDATES URBAN MANAGEMENT.

IN THE SAME COMMITTEE REPORT, FRED HOSEA OF WASHINGTON STATE SAYS -QUOTE- IN 1980 WE TOTALLY REVISED OUR STATE STATUTES. THIS YEAR--1981-- WE EXPECT TO UPDATE GAME COMMISSION REGULATIONS AS NECESSARY TO MODERNIZE AND COMPLY WITH THE REVISED CODE. NEW STRENGTH WAS ADDED TO PROTECT WILDLIFE LAWS. FOR EXAMPLE, ALL BIRDS NOT CLASSIFIED AS GAME BIRDS OR

"Hell has no fury like a woman scorned"

WIFE Women Involved In Farm Economics



PREDATORY BIRDS ARE NOW PROTECTED WILDLIFE. THE CATEGORY AND THESE ARE HIS QUOTES, THE CATEGORY "PROTECTED WILDLIFE" ALSO INCLUDES THREE BIG GAME SPECIES, THREE FURBEARERS, TREE SQUIRRELS, SOME GROUND SQUIRRELS, HARMOTS TWO SPECIES OF RABBIT AND MOST TURTLES.

NO, THIS DOES NOT COME THE FIRST YEAR THE PROGRAMS ARE IN BEING.

MR. LARRY COPENHAVER OF THE UPPER MISSOURI BREAKS AUDOBON SOCIETY SAYS IN A LETTER TO A SENATOR THIS SESSION, THAT NONGAME WILDLIFE IS ONE OF MONTANA'S MOST VALUABLE RESOURCES. AGRICULTURE ACKNOWLEDGES THAT OUR WILDLIFE POPULATION IS AN ASSET. WE WOULD CERTAINLY APPRECIATE ANY FACTS AND FIGURES SHOWING JUST HOW MUCH REVENUE IS ACTUALLY BROUGHT INTO THE STATE BY THIS RESOURCE THAT IT SHOULD TAKE PRECEDENCE OVER THE TOP MONTANA INDUSTRY.

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, WE DO NOT BELIEVE IN THE INDISCRIMINATE ERADICATION OF ANY SPECIES. BUT WE DO NOT BELIEVE THAT DECISIONS TO MANAGE SPECIES SHOULD BE LEFT UP TO THOSE WHO ACKNOWLEDGE VOCALLY THE IMPORTANCE OF AGRICULTURE TO THE ECONOMY OF THE STATE BUT DO NOT, IN APPLICATION, BELIEVE IN OUR RIGHT TO SUPPORT OURSELVES IN A MANNER NECESSARY TO OUR OPERATIONS. WHEN A RATTLER MUST BE PROVEN DANGEROUS TO THE WELLBEING OF AN INDIVIDUAL BEFORE IT CAN BE DESTROYED; WHEN A RANCHER GETS SUED FOR SHOOTING A BEAR SIMPLY BECAUSE IT MIGHT HAVE KILLED HIM OR HIS WIFE WHILE ATTACKING THEM; WHEN ONLY 40% OF THE SHEEP KILLED IN MONTANA WERE KILLED BY COYOTES AND THUS IS NOT ENOUGH OF A PROBLEM TO RISK STRESSING THE GRIZZLY; WHEN THE EFFORT IS MADE TO PROHIBIT THE POISONING OF GOPHERS UNTIL AFTER JULY 15 SO THAT THE BEARS MIGHT NOT EAT ENOUGH GOPHERS TO KILL THEM---DESPITE THE FACT THAT THIS HAS NEVER BEEN PROVEN--and despite the FACT THAT CROPS ARE IN A RIPENING STAGE AND THE GREATER HARM WOULD HAVE BEEN ACCOMPLISHED BY THEN; WHEN AN EFFORT WAS MADE TO STOP EFFECTIVE METHODS TO POISONING GOPHERS NEAR A BODY OF WATER, WHICH WOULD HAVE ELIMINATED THE 80,000 ACRE IRRIGATION DISTRICT I LIVE ON WITHIN A FEW YEARS, YOU MAY UNDERSTAND OUR CONCERN WITH THIS LAW AND ITS IMPLEMENTATION.

WE GET TOLD QUITE OFTEN THAT WE ARE BORROWING TROUBLE; THAT WE REALLY HAVE NO LEGIMATE CONCERNS AND THAT THE LAW WILL NOT BE HARMFUL TO AGRICULTURE. WE SUGGEST THAT THE PROPONENTS OF THIS LAW DO NOT KNOW BUT WHAT THEIR FEARS ARE PURE SPECULATION. THEY HAVE NO CONCRETE PROOF THAT THESE SPECIES WILL BECOME EXTINCT OR EVEN IN NEED OF MANAGING.

WE BELIEVE THAT AGRICULTURE IS FORCED OVER AND OVER AGAIN TO PROTECT OUR-

WIFE Women Involved In Farm Economics



SELVES AGAINST WILD GUESSES, AGAINST PURE SPECULATION, AND
IMPROBABLE THEORIES. WE ARE TIRED OF IT, WE CANNOT WELL AFFORD
IT; WE WILL CONTINUE TO OPPOSE ANY SUCH IMPLEMENTATION OF ANY
LEGISLATION THAT WILL QUITE EFFECTIVELY MANAGE OUR LANDS THROUGH MANAGEMENT
OF SPECIES OF ANIMALS, FISH, BIRDS, WHATEVER. PERHAPS WHEN THE PROponents
OF SUCH EFFORTS CAN PROVE TO US THAT THEIR FEARS ARE JUSTIFIED, WHEN THEY
HAVE PROOF THAT SUCH PROBLEMS DO EXIST OR WILL EXIST, AND WHEN THEY CAN
SHOW US, BY THE SAME CRITERIA THAT THEY REQUEST OF US, THAT THIS LAW WILL
NOT NOW OR IN THE FUTURE BE HARMFUL TO US AND TO OUR GENERATIONS TO FOLLOW
US ON THE LAND, OR WHEN THEY ARE WILLING TO ALLOW US THE RIGHT TO DO JUST
WHAT THEY REQUEST HERE TODAY, THE RIGHT TO DO AS THEY PLEASE WITH THEIR
POSSESSIONS, THEN WE WILL BE ABLE TO GET TOGETHER AND WORK OUT OUR
DIFFERENCES.

THANK YOU.

SOME FACTS ABOUT THE NON-GAME CHECK OFF PROTECTION PROGRAM.
AND THE EXISTING LAW.

FACT: MCA 87-5-105--LAW ALLOWS THE FWP DEPARTMENT TO SET UP OWN RULES AND REGULATIONS DESIGNATING MANAGEMENT OF SPECIES. SPECIES LIST IS SO EXTENSIVE THAT THE LAND OWNERS WOULD HAVE NO SAY IN ANY DECISION ON DESIGNATION OF SPECIES TO BE MANAGED.

FACT: FWP NEED CHECK WITH LEGISLATURE ONLY UPON CHANGING STATES OF SPECIES--EXAMPLE: PROTECTED TO ENDANGERED. 87-5-105

FACT: MCA 87-5-103. SPECIES DO NOT HAVE TO BE ENDANGERED IN MONTANA TO BE MANAGED AND PROTECTED HERE. THEY CAN BE DESIGNATED AS MANAGED AND PROTECTED IN MONTANA AT THE DISCRETION OF FWP, EVEN IF WE HAVE A LARGE POPULATION OF THE SPECIES.

FACT: MCA 87-5-112-- ALLOWS THE ENTRY INTO THE STATE OF A SPECIES OR SUBSPECIES NOT NATIVE TO MONTANA. IF THAT SPECIES OR SUBSPECIES IS DEEMED IN DANGER OF LOWERED POPULATION. (EXAMPLE---RACCOON IS NOT NATIVE TO MONTANA, BUT IS ON THE LIST OF ANIMALS DESIGNATED AS NON-GAME.)

FACT: MCA 87-5-102--ALLOWS THE PERIODIC OR TOTAL PROTECTION OF SPECIES OR POPULATION WHEN OR WHERE IT IS DEEMED APPROPRIATE (REFER TO MCA 87-5-105) WHICH MEANS THAT TOTAL MANAGEMENT OF ALL SPECIES IN THAT ECOSYSTEM!

FACT: FEDERAL LAW SUPERCEDES STATE LAW, UNLESS DESIGNATED IN THE FED. LAW
THIS FEDERAL LAW DOES NOT DESIGNATE THUS! PAGE 5, OF THE FEDERAL
LAW, (top of page) SPELLS OUT THE DEFINITION OF MANAGEMENT BY THE
FEDS: "ANY FISH AND WILDLIFE WITHIN THE STATE NOT TAKEN FOR FOOD OR
SPORT" AND ON LINES 6&7, "ANYTHING NOT CONSIDERED ENDANGERED SHOULD
BE DEEMED NONGAME FISH AND WILDLIFE"!

FACT: FEDERAL LAW, PAGE 9, MONTANA CANNOT GET THE ESTIMATED \$150,000 OR THE STATES PORTION OF THE ALLOCATED FEDERAL MONEY FOR SUCH PROGRAMS UNLESS!!!!!! WE SUBMIT A PLAN FOR MANAGEMENT, NOT FEDERAL MANAGEMENT BUT STATE MANAGEMENT, AND THAT CAN BE EITHER APPROVED OR DISAPPROVED BY THE FEDS.

FACT: BACK TO PAGE 6, LINES 7 through 15, YOU WILL FIND THE PLAN STANDARDS WHICH INCLUDES THE DESIGNATED STATE AGENCY VESTED WITH THE
OVERALL RESPONSIBILITY FOR THE DEVELOPMENT OF THE MANAGEMENT PROGRAM.
IN MONTANA, THE FISH, WILDLIFE AND PARK DIRECTOR!!!

FACT: THE COMBINATION OF THE FACTS ON THIS SHEET ALLOWS THE DIRECTOR OF
FWP TO DESIGNATE ANY SPECIES UNDER THE FED DESIGNATION AS MANAGE-
ABLE AND TO DO SO WITHOUT CONSULTING WITH ANYOTHER AGENCY OR THE
LEGISLATURE!!!!!!

Amendments to House Bill 377

Page 3, Line 18

Following: "Account"

Insert: "Except as provided in subsection (4)"

Page 4, Line 5

Insert: "(4) The department of revenue may deduct
from collections an amount not to
exceed \$9,638.00 in fiscal year 1984
and \$6,238.00 in fiscal year 1985 for
administering the voluntary checkoff program.
The department is authorized to spend the
amounts and hire necessary personnel."

March 11, 1983

Senator Ed B. Smith
Senate Fish and Game Committee
Capitol Building
Helena, MT 59601

Dear Senator Smith:

I respectfully request the contents of this letter be included in the minutes of the Senate Fish and Game Committee hearing on HB-377.

I am chairman of the Montana Rodent Damage Control Council. The council was organized in 1980 to deal with a ground squirrel problem that we have in western Montana. Membership includes landowners and county government officials from 12 western Montana counties.

In 1979, the first year the counties conducted an organized rodent control program, a lot of concern was expressed by the general public that the control methods may have an adverse effect on the environment. To resolve this the council has involved the various conservation groups, the Fish, Wildlife and Parks Department, the University of Montana Cooperative Wildlife Research Unit, and the Montana Department of Agriculture which is responsible for the rodent program at the state level. This process has enabled us to develop a good working relationship with these groups and at the same time address an economic problem for the landowners and the environmental concerns of the public.

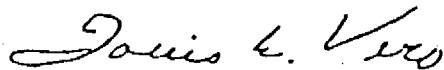
The council discussed at its meeting last December the proposed non-game legislation which is being introduced as HB-377. The council voted to remain neutral on HB-377 because the members had not had a chance to review this legislation. However, the council went on record with two major points regarding this legislation.

1. The existing Non-game and Endangered Species Conservation Act of 1973 does not interfere with the rodent control programs being conducted by the counties and the Montana Department of Agriculture. Subsequent examination of HB-377 and discussions with the Montana Fish, Wildlife and Parks Department also reveal that HB-377 will not interfere with rodent control programs.

2. The non-game program could provide a source of research dollars that would enable us to develop an integrated pest management approach to our rodent control problems. Field rodent research is desperately needed to provide new control methods that will enable the landowners to control ground squirrels and at the same time prevent non-target damage.

The Montana Rodent Damage Control Council looks forward to a continued good working relationship with the groups involved with rodent control and vertebrate pest management and urges your consideration for this legislation.

Sincerely,



Louis Vero
E/L Ranch
Box 24
Greenough, MT 59836

cc: Senate Fish and Game Committee Members
Montana Fish, Wildlife and Parks Department

TO: SENATE COMMITTEE ON FISH, WILDLIFE & PARKS
HOUSE BILL 377 FABREGA (AN ACT TO PROVIDE FUNDS FOR THE PRESER-
VATION & MANAGEMENT OF NON-GAME WILDLIFE IN MONTANA.)

AMENDING SECTION 87-5-102 MCA

THE MONTANA CATTLE FEEDERS ASSOCIATION IS OPPOSED TO HOUSE BILL 377
BECAUSE:

WE THINK THAT ESTABLISHING A VOLUNTARY CHECK OFF ON THE INCOME TAX
FORM WILL OPEN A PONDERAS BOX TO ALL SORTS OF OTHER WELL-MEANING AND
WORTHWHILE PROJECTS.

IF THE FISH, WILDLIFE & PARKS DEPARTMENT CAN COLLECT FUNDS FOR THE
MANAGEMENT OF NON-GAME WILDLIFE IN THIS FASHION, WHAT IS TO STOP THEM
FROM COMING BACK NEXT YEAR AND FOR MANY YEARS AFTER TO COLLECT VOLUNTARY
FUNDS FOR MANY OTHER PROJECTS.

ALSO, IF THIS BILL GOES THRU WHAT IS TO STOP THE STATE HISTORICAL
SOCIETY, OR THE CHARLIE RUSSELL MUSEUM OR THE STATE PUBLIC HEALTH DEPT.,
OR ANY OTHER STATE DEPARTMENT FROM BACKING BILLS TO PROVIDE VOLUNTARY
FUNDS THRU THE PROPOSED INCOME TAX CHECK OFF SYSTEM?

WE THINK THAT THIS METHOD OF COLLECTING MONEY WILL COST THE STATE OF
MONTANA A LOT OF UNNECESSARY BOOKKEEPING, LABOR, AND EXPENSE AND CAN LEAD
TO THE ESTABLISHMENT OF MORE STATE EMPLOYEES AT A TIME WHEN WE ARE TRYING
TO HOLD THE LINE ON UNNECESSARY STATE EXPENSES.

JOHN CONTER
EXECUTIVE VICE-PRESIDENT
MONTANA CATTLE-FEEDERS ASSOC.
1106 MAIN STREET
BILLINGS, MONTANA 59105

WITNESS STATEMENT

NAME John Conter

BILL No. HB 377

ADDRESS Billings

DATE 3/19/83

WHOM DO YOU REPRESENT Montana Cattle Feeders Association

SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The Montana Cattle Feeders Association is worried about the control of non-game animals because many of these animals can cause havoc in a feed lot if they cannot be controlled by the feed lot operator.

Skunks can carry rabies into a feed lot and infect many animals in a single night, because the animals are confined and cannot get away.

Raccoons and ground squirrels carry lipto. Starlings, magpies, crows and sparrows carry blackleg, malignant edemna, anthrax, and redwater.

The biggest problem is when large numbers of starlings and sparrows descend on any given feed lot. They consume large amounts of feed, but also destroy more than they eat by defecating in the grain piles and feed bunks, then the animals will not eat the feed.

Sparrows, magpies and burrowing owls have no respect for property lines and make no distinction between public and private lands.

NAME John ConterBILL No. HB 377ADDRESS BillingsDATE 3/19/83WHOM DO YOU REPRESENT Montana Cattle Feeders AssociationSUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

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UNIVERSITY OF MONTANA WILDLIFE SOCIETY

Exhibit 20

TESTIMONY IN SUPPORT OF HOUSE BILL 337

March 19, 1983

Mr. Chairman and members of the Committee:

My name is Randy Hohf and I am speaking on behalf of the University of Montana Student Chapter of the Wildlife Society. The Wildlife Society is a national organization of wildlife biologists dedicated to professionalism in the field of wildlife biology. The student chapter at U. of M. consist of about sixty-five members.

Since I am here to represent biologists, I would like to propose some biological reasons for funding the non-game program.

First, I would like to mention just a few examples of direct benefits to non-game wildlife that could occur if the program is properly funded:

- 1) Placement of nesting boxes for Western bluebirds and other songbirds
- 2) Placement of nesting platforms for Ospreys
- 3) Enhancement of wetlands to benefit shore birds such as sandhill cranes, white pelicans, and great blue herons
- 4) Planting of winter shelterbelts for owls and songbirds
- 5) Identification of food habits of burrowing owls in order to understand their requirements for existing in Montana
- 6) Performance of inventories of these and other species in order to address their long-term management needs
- 7) Identification of indicator species which allow managers to monitor the condition of the physical environment.

Secondly, I would like to talk briefly about endangered species. By providing a data base through inventories of non-game wildlife populations in Montana, we could prevent species from becoming endangered by determining their status and requirements before population levels become dangerously low. We could also prevent species from being placed on the Endangered Species List just because we think they are endangered, when in fact they may not be.

Finally, and most importantly, there is the necessity of preserving nature's ecological balance. Every species plays a specific role in keeping the environment in balance. For example, raptors prey on rodents, and the removal of these birds from the system may allow rodent populations to increase, possibly to the point where they cause crop damage. Woodpeckers and other insectivorous birds help to control populations of forest damaging insects such as spruce budworm and mountain pine beetle.

It is much easier and cheaper to prevent an upset in the balance of the natural world than to try and restore equilibrium after it has been destroyed. The famous wildlife manager and conservationist Aldo Leopold once said:

"To keep every cog and wheel is the first precaution in intelligent management. As professional and future professional wildlife biologists, the members of the U. of M. Wildlife Society urge this committee to support "intelligent management" by funding the non-game program through the tax check-off system. If you have any questions, I will be happy to answer them. Thank you very much.

Exhibit 21, March 19, 1983

HB 377

March 15, 1983

Senate Fish and Game Committee

In Billings we are fortunate to have a veterinarian who, all on his own, rehabilitates wild birds. The local Audubon chapter has built an exercise cage for these raptors to regain their strength. Snowy Owls, and Bald Eagles who have had broken wings, have been brought back to such condition that they can be released into the wild again.

I know that in a few cases raptors can become pests doing some damage to livestock, but in these cases Montana law allows them to be destroyed. However, the main diet of raptors is rodents - ground squirrels, prairie dogs, rabbits, mice, shrews and even skunks - so that returning them to the wild again is a real advantage.

In most places in Montana there is no place to take wounded, poisoned or injured raptors, since Fish, Wildlife and Parks Department has no personnel or facilities to treat them. Funds from this ~~xxxxxxx~~ voluntary check-off might be used to aid others who are interested in raptor rehabilitation.

Oranthe did mail me a booklet for trappers setting their permits, which would tell them what to do if raptors are caught in traps. Minnesota does that.

Bebe FitzGerald

2223 Spruce

Billings 59101

(This sheet is to be used by those testifying on a bill.)NAME: Luci BriegerDATE: 3-19-83ADDRESS: 511 S. Raleigh Helena 59601PHONE: 443-4169 h 443-2520 wREPRESENTING WHOM? Mt. Environmental Info. Center, Mt. Conservation CongressAPPEARING ON WHICH PROPOSAL: HB 377DO YOU: SUPPORT? Yes AMEND? _____ OPPOSE? _____

COMMENT: Over 40 member groups of the Mt.
Conservation Congress discussed this
issue at the annual meeting in Sept. 1982.

All groups endorsed the nongame wildlife
funding tax checkoff. We recognized that necessary
info (to be used by env. impact statements) is not readily
available. ^{on nongame species.} A more adequately funded nongame program
could provide such info. + make it available for
all research projects involving natural resource
development. The EIS information-gathering process would be
much easier, less costly, and more efficient, with a
well funded nongame wildlife program.

The fact the checkoff works in 12 other states proves that it
would work here.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Alliance for a Nuclear-Free Montana
Alternative Energy Resources Organization
American Fisheries Society
Cabinet Resource Group
Citizens for an MX-Free Montana
Canyon Coalition
Common Cause
Defenders of Wildlife
Elkhorn Citizens Organization
Five Valleys Audubon
Flathead Audubon
Flathead Resource Organization
Great Bear Foundation
Headwaters Alliance
Institute of the Rockies
Last Chance Audubon
League of Women Voters
Madison-Callatin Alliance
Mo Breaks Protective Association
MEIC
MEIC-Bozeman
Mt Wilderness Association
Mt Wildlife Federation
MontPIRG
Nature Conservancy
North Fork Preservation Association
Northwest Citizens for Wilderness
Northern Rockies Action Group
Pintlar Audubon
Rocky Mountain Front Advisory Council
Sierra Club-Yellowstone Valley Group
Sierra Club- Last Chance Group
Sierra Club- Bitterroot Group
Solar Energy Industry Association
Trout Unlimited- West Slope Chapter
Upper Mo Breaks Audubon
Western Sanders County Involved Citizens
Wildlands and Resources Association
Wilderness Society
Wildlife Society- UM Chapter
Yellowstone Valley Audubon
Flathead EIC

Submitted by Luci Brieger, representative of the Mt Conservation Congress.

These member organizations unanimously endorsed a Tax check-off funding mechanism for the Monge wildlife program. Our position paper is enclosed. We discussed the issue at the annual meeting, in Sept. 1982, in Helena.

White Paper on Non-Game WildlifeIntroduction-Problem Statement

Montana law provides for the management of the State's non-game wildlife. This management responsibility has been placed in the hands of the Mt. Dept. of Fish Wildlife and Parks. However, over the years since the program was established, funding has steadily deteriorated. The Department, not having an earmarked source of funds for this program, as it does for its game programs, has chosen not to seek other major funding sources. So the non-game program hangs on by a slender thread. The greatest reason for supporting a non-game program with adequate funding is that the state could establish a positive rather than a reactive program. With adequate funds a program which seeks out those species which are not presently threatened or endangered and seeks to improve the population is a possibility. At present, a species is threatened or endangered before steps are taken to improve its habitat and thereby increase numbers in the population. Usually, by the time a species is in the shape that it needs to be classified as threatened or endangered, it is just about too late to take corrective measures. Also, because not enough money is spent in learning about non-game species, they can be classified incorrectly as endangered or threatened. Such was the case with the snail darter in Tennessee. This particular case an endangered species stopped construction of a dam, and caused a "black eye" for the endangered species act. The small fish, after further research, was found to be relatively abundant in streams in the region. With adequate funding to begin with, the whole controversy would not have existed. The non-game program could provide an organized means of support for research which is necessary in Montana to provide an understanding of what needs to be managed and how that management can proceed so that non-game species do not become threatened or endangered because of neglect.

Many people throughout Montana spend thousands of hours gathering information on our non-game wildlife. We need a focus for these volunteers so that their efforts won't be wasted. A non-game program in DFWP could serve as the focus, both for compilation of data and for its dissemination.

Environmental impact statements being written under MEPA or NEPA or other statutes require an assessment of a development's impacts on all of the natural environment. Information on game species is readily available throughout the state and can be used easily and cheaply. No such information source exists for non-game species. Since non-game has had relatively little research done on it, it becomes necessary to do research on each project. This method of doing non-game research on a piecemeal basis is extremely costly and inefficient.

Status Quo -

Because of an apparent lack of initiative on the part of DFWP to request adequate funding for its legally mandated responsibility, private organizations within the state organized to pass a bill through the legislature in 1961 which would have provided that funding. This bill became known as the "Non-game" or "Chickadee checkoff" bill since it provided for a tax checkoff to support the non-game program. The bill was sponsored by a number of legislators and it looked as if a full hearing might mean a possibility of passage. Unfortunately, the bill ran into trouble from the beginning. The political process of the legislature was used to block the bill from ever reaching the floor of the house. It was referred to two committees - taxation and the Fish & Game committees. This referral to the committees was done at the very last minute - even if the bill had gotten out of committee it would not have had enough time to pass out of the house before the deadline for transmittal to the senate. Both committees essentially rejected the bill. Those members opposed to the bill were actually opposed to the original legislation which set up the non-game program. By allowing the non-game program to go without funding, the committee have essentially rescinded the legislation.

After the defeat of the legislation, the Montana Audubon Council formed a non-game committee to look into what future steps should be. An initiative was suggested but lack of time and organization prevented that avenue. The Council is still discussing future attempts to fund a non-game program in Montana, the one essential element - grass roots organization - has been the one missing from past attempts.

Problems with Past Attempts-

1. Not a large and varied enough constituency of support for the legislation - Audubon became too closely associated with the issue.
2. Vast amount of misinformation being given out by those opposed to the bill - played on fears of private landowners that this would be more government intervention.
3. Lack of an "in" to the political process - the process slowed the bill down so much that it did not get an adequate hearing.
4. Lack of contact with the legislators involved - grass roots organization needed to reach legislators at home prior to and during the session.
5. Naivness of supporters - there was a general feeling that all we needed to do was present the facts; the opposition relied on supposition and emotion and won.

Recommendations

1. Put pressure on DFWP to request an adequate budget for its non-game program; one that supports grants to university students and professors to study non-game, that is responsible for developing a state-wide network for the compilation and dissemination of information on non-game species, that develops management programs for selected target species and that assists private land owners and public agencies in the development of their own lands for the benefit of non-game wildlife. The development of a Natural Heritage Program is one step toward the positive management of private and public lands for the benefit of non-game wildlife.

2. Draft and support legislation for an income tax check-off as proposed in [98]. It should be clearly designated as a tax issue. Fish and Game (DFWP) should present a proposal for how they plan to spend the money to the Fish and Game Committee--this should be based on a number of different scenarios of support which could be generated by the bill.

3. Should the legislation fail, begin initiative process immediately. This will take a much larger effort than passing a bill in the legislature.

Department of Fish, Wildlife, and Parks

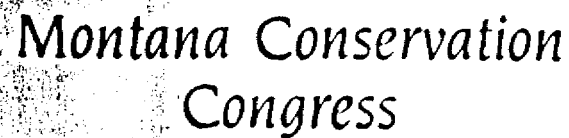
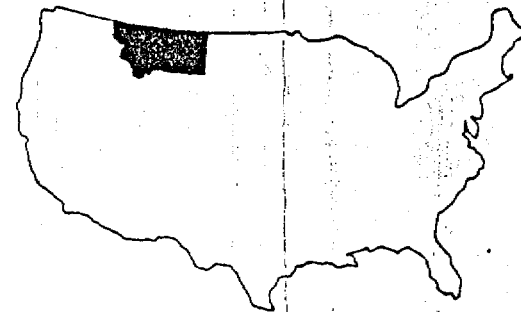
There unquestionably have been real changes in the Department over the past eight years. It must be recognized that those changes are rooted in executive reorganization begun fourteen years ago under Governor Anderson. The semi-independent resource advocacy agency of the 60's has changed to a more typical executive agency, accountable and responsive to the Governor.

It should also be recognized that, unlike the Department of 1977-1980, it is now being well run and effectively administered by its present Director. Return to the old system through the legislative changes that would be necessary is unlikely.

Problems identified by the Department of adequate financing and a renewed acquisition program for key properties is a direction worthy of support and backing.

Conservation groups should also adopt a strategy of close participation and direct involvement with the agency. It is an accessible agency and pressure for program emphasis on basic conservation issues could be effective. Even an old friend and ally can stray if taken for granted and ignored.

The present budget process is a key area generally ignored by the constituents of this agency. At this time, the next budget is based on the actual expenditures of fiscal year 1982. New direction and programs are in the Executive Planning Process, and dependent on new revenues. Review of those programs may be in order. Conservation can then address those new directions supporting what they feel are positive directions and challenge those seen as less valuable.



March 19, 1983

STATEMENT FOR THE SENATE FISH & GAME COMMITTEE ON
BEHALF OF H.B. 377.

I am Gordon G. Weber, 2303 Elm St., Billings, Montana.

Even though I held down a so called desk job all my working years I consider myself to be an outdoor enthusiast. I gave up hunting quite a number of years ago, but still love to fish and to hike the plains, hills, and mountains. When non game decals were available several years ago I purchased them to compensate for the enjoyment I receive from the many facets of wildlife. H.B. 377 will give me, as well as other outdoor enthusiasts, an opportunity to voluntarily contribute to the enjoyment of the outdoor scene. And this without the use of tax dollars. I thank you.

March 19, 1983

Senator Ed Smith
Chairman, Fish & Game Committee
Capitol Station
Helena, Montana 59601

Dear Senator Smith:

"Mr. Chairman, members of the Committee, thank you for this opportunity to testify in favor of House Bill 377. I am Dwight Bergeron, of Helena, Montana, representing the Montana Chapter of the Wildlife Society. The Montana Chapter has a membership of about 150 professional wildlife biologists who work for private industry, state and federal agencies.

At it's annual convention in February, the Montana Chapter passed a resolution as follows:

WHEREAS, the Montana Chapter of The Wildlife Society is an organization of professional biologists and others concerned with the management and welfare of wildlife resources within the State of Montana; and

WHEREAS, the State of Montana passed in 1973 a law defining nongame wildlife; and

WHEREAS, funding was omitted and such funding as the State Department of Fish, Wildlife and Parks did obtain came from sportsmen's license fees; and

WHEREAS, twenty states now have enacted into law a method of funding known as the "state income tax check-off"; and

WHEREAS, it is successful, low cost to administer and entirely optional to the taxpayer;

NOW, THEREFORE, BE IT RESOLVED That the Montana Chapter of The Wildlife Society endorses efforts being made in the current session of the Montana legislature to again endeavor to enact this legislation.

The passage of House Bill 377 will help the State carry out its statutory responsibilities. Funding for the non-game program means that a little more will become known about those species of less legal stature than the game species. At times certain non-game species come into conflict with some segments of society. Any conflict is apt to be more adequately resolved through knowledge, than ignorance. At the present our knowledge of non-game species is inadequate, and little is known about many of them, especially their distribution in Montana.

As examples, mining companies needing non-game animal information about a particular area would benefit from this program. Farmers and ranchers with rodent problems would benefit. The non-game program is not, as has sometimes been feared by some, an endeavor to add creatures to the rare and endangered list. Indeed, where rare or endangered species do, rarely, exist, all segments of society are better off knowing more specifics about them.

The non-game program is a legislatively mandated function 10 years old, with the purpose of obtaining more knowledge about all the wildlife we have in Montana. This knowledge can contribute to fewer, not more, problems for people.

On behalf of the Montana Chapter of the Wildlife Society, I respectfully urge you to give House Bill 377 a do-pass recommendation.

Thank you.

Sincerely,

Dwight Bergeron
800 Glendale
Helena, Montana 59601

United States Citizen

Missoula, Mt. 59807

Senator Ed Smith, Chairman
Senate Fish and Game Committee
Montana State Legislature
Helena, Montana

19 March 1983

Chairman Smith and Committee Members:

My name is Pete Carroll. I am a resident in the City of Missoula and a registered voter in the State of Montana. I am writing you today to express to you my support for H.B. 377, a Nongame Funding bill.

The Nongame Funding bill is written to provide public funding for the nongame wildlife programs in the state in the form of a tax checkoff. I would urge you to support this bill, not because other states already have similar programs, but because Montanans will benefit for such a program.

The Nongame Funding bill would:

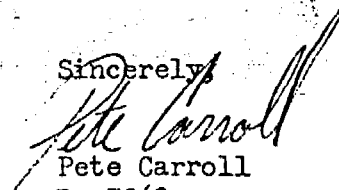
1. Provide an accurate measure of the public support for non-wildlife programs in Montana.
2. Increase public awareness of Fish and Game programs and policies throughout the state.
3. Provide an easy mechanism for "non-consumptive users" of wildlife to contribute to wildlife management programs.
4. Allow big-game license fee monies to remain in the big-game management programs in the state.

These are only four of the many reasons why the Nongame Funding bill deserves your support. The amendments added to the bill while it was in the House further enhance the bill.

In closing, I would like to remind you that nongame wildlife is an integral part of the natural community. It is difficult for some people to understand this fact because non-game wildlife cannot be hooked or bagged into personal possession. It is, then, even more important to provide funding for nongame wildlife programs. The Nongame Funding bill will provide for that funding.

Once again, I am asking for your support to pass the Nongame Funding bill.

Sincerely,



Pete Carroll

Bx 7963

Missoula, MT 59807

March 19, 1983

Testimony on HB 377

My name is Christine Deveny. I reside in Helena, Montana. I am here today in support of HB 377.

The 1973 Montana Non-Game and Endangered Species Act mandates the state of Montana to manage non-game wildlife "for human enjoyment, for scientific purposes, and to insure their perpetuation as members of ecosystems". However, since 1973 no funding has been appropriated to carry out that mandate. HB 377 is the answer to funding for the non-game program. By implementing a voluntary check-off system for donations by Montana taxpayers, the non-game program can be supported without the use of any general fund money.

This positive approach to funding will generate the money needed to inventory and manage our non-game populations, as well as educate Montanans about the important roles these wildlife species play in our environment. Benefits will be gained by both Montana residents and the non-game species as we gain a better understanding about the ecosystems we share.

The more than 600 species of non-game animals in Montana belong to all Montanans, and are a very important wildlife resource in this state. The 1973 legislature recognized this importance in passing the Montana Non-Game and Endangered Species Act. I hope this committee and this legislature will further recognize the importance of non-game species in Montana, and will pass HB 377 so that funds may be obtained to implement the program.

Thank-you for considering my comments.

Testimony in support of HB 377.

My name is Margaret Edmonds, resident of Great Falls, by profession a school-administrator, and by avocation an observer of wildlife, and ardent lover of our state of Montana.

Because of my professional association with school children, I am very conscious of the heritage which we adults are leaving for the next generations. We have demonstrated that with sufficient research and careful management, our state can continue the rich heritage of game animals and birds. We now need to finance similar research and management for the non-game species.

HB 377 allows a method of funding such research through voluntary contributions by interested citizens. Our state as well as Pennsylvania and Colorado tried to fund such non-game research through the sale of decals. In each state the decal sale proved impractical. Pennsylvania and Colorado have since started a income tax-check-off procedure, and in both states important funds are accumulated.

I urge the passage of HB 377 to allow citizens to contribute to preserving

Senator Ed Smith, Chair
Senate Fish & Game Commission

Dear Senator Smith,

I'd like to see HB 377 passed. Having been educated in forestry, I see the value in managing non-game wildlife. Montana is still fairly pristine, and abundant in animal species. If we're smart, we'll keep it that way. I'm from the midwest originally, and lack of foresight has had some sad results.

We should consider the future of this state. Montana's abundant wildlife is one of the main features of its aesthetic appeal. This aesthetic quality brings a lot of money to Montana. It would be practical to have the foresight to maintain that quality. I see the support for a non-game wildlife management program, provided by HB 377, as part of that foresight.

Please give this your serious consideration & subsequent support.
Thank you

Sincerely,
Art Heldt

March 19, 1983

Sen. Ed Smith, Chair
Senate Fish and Game Commission

Dear Senator Smith,

This letter is in support of HB 377, I urge your committee to give it full backing.

I grew up on a farm in western Montana. Part of what made that experience valuable was exposure to the non-domestic animals that lived on and with our farm. They were a big part of teaching us to appreciate what nature is. And there was room for all; each had its niche and everything lived together.

We Montanans need to have an interest in, and concern for, all of what this state is. This bill is a way to do that, by providing funding facilitating 1983 legislation which called for management of non-game wildlife.

I understand that there are some persons from the agricultural community who see HB 377 as threatening; perhaps they fear they'll be prohibited from effectively dealing with predatory animals, or that they may lose some of their land to wildlife. As far as I can see, those fears are not founded in fact. Some of the main threats to agricultural operations from wildlife are grizzlies, coyotes and prairie dogs. As you know, none of these animals are considered part of the non-game wildlife of interest in this bill.

If there should be problems, the bill must be passed again in 4 years, which should reassure

anyone skeptical of the potential consequences. Furthermore, none of the money that may be raised by the provisions made in this bill could be used to purchase private land. It appears to me that opponents of this bill must be afraid of something other than what is stated, intended, or implied by this piece of legislation. How could a voluntary contribution toward a non-game wildlife management program be anything but a benefit to our state? It even has the added advantage of having been demonstrated to be successful in other states.

Again, I want to urge your support of this bill, and also your continuing support of and interest in the protection of all Montana's wildlife, one of our greatest assets. Thank you for your time and serious consideration.

Sincerely,

Cecilia Gallagher
Bozeman, Montana

MR. Ed Smith, Chairman
Senate Fish and Game Committee

MR. Smith:

I am testifying in support of HB 377, the nongame wildlife inventory check off.

It has been my feelings for some time that, in general, a strong agricultural economy and a diverse and healthy wildlife community go hand in hand. This applies not only to game animals; it applies to nongame wildlife as well. The agricultural community places a great deal of pride and value on the lifestyle that they lead. The closeness with the land and the love of the out of doors are a large part of the benefits of this life. Nongame wildlife also play a role in this lifestyle.

Any agricultural producer can tell you that knowledge pertaining to livestock, crop production or farm methods is a valuable tool making them a better land manager. Likewise, intelligent management of nongame wildlife depends on a proper understanding of their relationships with the land which we manage.

It seems that a great deal of the opposition to this bill stems from the suspicion that there is an ominous ulterior motive behind the bill to somehow gain control over land management practices by private individuals. I don't believe for a minute anyone supporting this bill is in any way considering it as a tool to gain control over private land use practices in the agricultural sector. Please, accept this bill for what it is. It is simply a reasonable way to increase our knowledge about a piece of nature which we are extremely

ignorant of.

Instead of using this bill as a rope to start a tug of war between rural landowners and people interested in non game wildlife, we should see it as a rope which we can use to build a bridge of understanding to bring us closer together..

Respectfully,

Christopher B. Clancy

514 North B Street
Livingston, Montana 59047
March 18, 1983

To whom it may concern:
re: HB377

Non-game animals are important enough and appreciated enough by the people of Montana that monies to manage and study them should be provided. HB377 allows for a voluntary tax check off system which could only enhance the educational process of proper management of these animals.

We recommend that you support this bill.

Respectfully,

Netzy Durfey
Netzy Durfey

Jim Durfey
Jim Durfey

1001 Ridgeway Drive
Livingston, Montana 59047
March 18, 1983

Mr. Ed Smith, Chairman
Senate Fish and Game Committee

Mr. Smith:

I am writing to urge you and your committee to support the Nongame Tax Check-Off Bill, HB 377.

Our rich and diverse wildlife heritage is the pride of all Montanans. Almost everyone thrills at the sight of a bald eagle along a river and we all know that spring is really near when the first bluebird arrives. Many Montanans want to be sure that these experiences will always be here.

The legislature has already passed a law mandating the wise management of Montana's nongame resources, but funding has not been provided. The Nongame Tax Check-Off Bill has proved successful in raising revenue for nongame wildlife in other states and is now law in 20 states. There is an excellent democratic rationale behind this funding approach: the people themselves will decide the level at which they want the nongame program funded.

Please support this bill so that the people of Montana have an opportunity to participate directly in the management of our nongame wildlife resources.

Respectfully yours,

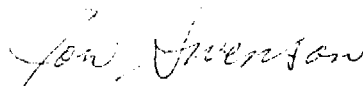

Jon Swenson

Exhibit 33
March 19, 1983

409 South I Street
Livingston, Montana 59047
March 18, 1983

To whom it may concern:
re: HB377

Non-game animals are important enough and appreciated enough by the people of Montana that monies to manage and study them should be provided. HB377 allows for a voluntary tax check off system which could only enhance the educational process of proper management of these animals.

We strongly recommend that you support this bill.

Sincerely,

Tom Shands

Tom Shands

March 19, 1983

Tara Gallagher
319 N. 3rd St. #3
Livingston, MT 59047

Senator Ed Smith, Chairman
Senate Fish & Game Committee
Capitol Station
Helena, MT 59047

Dear Senator Smith:

As a voter concerned about the protection of Montana's non-game wildlife, I urge you to support the HB 377 income tax check-off. It is my view that this bill would enable individual Montanans to help protect non-game animals by directly funding the study of their needs.

As one of many Montanans with a rural upbringing, I appreciate the needs and the value of Montana's wildlife as well as its farm and ranch lands. But while certain wildlife are well protected, many others seem unnoticed; their needs unknown.

While I am not unaware that we need foresight to try to predict any adverse effects legislation might have on any group, I believe the concern expressed to you by other members of the agriculture community are basically unfounded with regard to HB 377. Agriculturists who oppose a fund merely to study the needs of non-game wildlife are over-reacting to a fear that their land use needs will be infringed upon.

For example, three of farmers' and ranchers' worst enemies are not classified non-game animals and would not be affected by HB 377. The coyote is classified as a predator; the grizzly is considered a game animal, and both are managed as such. The prairie dog, long despised by farmers and ranchers, is managed by the State Livestock Board.

I do not believe funding the study of non-game animals will threaten my family's right to manage its farmland as it deems most proper. Nothing about such a study will fix future hand-tying land management legislation. It is my view that protecting Montana land, agriculture and wildlife must balance the needs of all three.

It is important that such a study will not incur costs to taxpayers across-the-board; instead, taxpayers so inclined can contribute voluntarily. This is a program worth adopting.

Further, none of the funds collected by the non-game check-off could be spent for land acquisition. Farmers and ranchers can lay to rest the feared loss of agricultural land.

Finally, as further protection, the sunset clause in HB 377 protects all parties by limiting to four years the non-game income tax check-off. If by 1987, the study were to be found unsuitable for any reason, it would not be reapproved.

Agriculturists and protectors of wildlife should work together to provide the best management of Montana's land for all forms of life and livelihood. HB 377 would be a good step in that direction.

Sincerely,

Tara M. Gallagher

March 19, 1983

March 15, 1983

I would like to express my support for the Non-Game Funding Bill (HB# 377) and urge you to recommend a "DO PASS" from committee and support it on the floor of the Senate.

An ecosystem approach to wildlife research and management is more viable and productive than single species emphasis characteristic of most wildlife agencies today (except those 20 states that have non-game programs). Also, non-game wildlife have in the past, been indicator species reflecting the health of the environment. Many non-game species are sensitive to sub changes in the environment that, if allowed to continue could adversely affect game, livestock, and people. If funding were provided, research could shed some light on the ecological links between non-game, game, and man and potential ecological disasters such as DDT contamination and ENDRIIN poisoning could be detected early and arrested before significant damage was done.

In the mid 1970's the mule deer populations in the west "crashed". If non-game were systematically inventoried and studied, perhaps we would have predicted this decline, and more importantly, averted it. Maybe now we would know why!

Funding for non-game could also shed some light on some pest problems. More information on the ecology and management of ground squirrels or "gophers" eventually may lead to more effective controls thereby benefitting agricultural interests without potential long term damage to people or other wildlife.

I am not an "eco-freak" per se. I served in the Infantry in Vietnam, losing 2 limbs in the process. I accepted induction to facilitate the alleged "preservation of the American way" and I would prefer not to see the interests of the minority (agriculture) prevail by killing HB# 377 in committee before the interests of many are served. I would, as a private citizen, like the opportunity to contribute to non-game research and management.

Thanks for your time.

Alan R. Harmata
4756 Itana Circle
Bozeman, MT 59715

Fish and Game Committee
March 22, 1983
Page Three

Senator Mohar made a motion that HB 345 be concurred in.

Senator Severson is opposed to this bill. He is the person that started calling this a bounty hunter bill. The underlined section on page 4 tells you that is exactly what this bill is. Anytime you would get to the point where you would report a friend for a dollar he is opposed to it. He certainly has nothing against reporting crime but objects to putting it into this prospective.

Senator Smith believes the action of the subcommittee was that \$30,000 of money from donations could be used for a reward program. He asked Mr. Flynn if that was right.

Mr. Flynn said \$30,000 of spending authority for conducting this reward program.

Senator Mohar said he does not think we will see very many close friends turning close friends in or brother turning father in or that type of thing. He is not worried about that. He thinks there is a lot of disrespect for a lot of our laws and this would help that problem.

Senator Smith said the appropriations subcommittee was for \$30,000 by donations. That is what the minutes show. We authorized \$30,000 of reward money by donation.

A Roll Call Vote was taken on Senator Mohar's motion that HB 345 be concurred in. The motion failed by a vote of 4-3 and HB 345 was not concurred in. A copy of the Roll Call Vote is attached.

DISPOSITION OF HOUSE BILL NO. 836: Senator Mohar made a motion that HB 836 be concurred in.

A Roll Call Vote was taken and is attached. The motion passed with a vote of 6-1.

DISPOSITION OF HOUSE BILL NO. 377: Senator Mohar referred to Jim Flynn's testimony and stated that Mr. Flynn indicated that if the Department got the increased amount of funding from this bill, that they did not anticipate adding any more staff to the existing personnel. One of the things that would be conducted is research with the Department of Agriculture on environmentally safe methods of vertebrate pest control. He asked Mr. Flynn what type of vertebrate pests he was referring to.

Mr. Flynn said the ground squirrels. The Department of Agriculture does conduct research on the control of ground squirrels in conjunction with MSU. He would hope, if they had some extra money, to involve the Department financially in that process so that more alternatives could be looked at.

Senator Smith said we know what happened with the predator program when 10-80 was taken away for the use of coyote control because nontarget species were being killed. Is this opening the door so that no type of animals that need control can be controlled because we would be killing nontarget species. He wonders if Jim Flynn, Director, Department of Fish, Wildlife and Parks, recognizes if this legislation creates a problem, and we are disallowed to control some rodents and predators, that we could close up the last remaining private hunting source in Montana. This could create more problems than benefit people if they continue pursuing this bill. What he is afraid of is opening the door to other problems and expansion of the list. Colorado started out with a few on the list and they now have approximately 3,000. He is concerned this same thing will happen in this area. In Colorado you can kill a rattlesnake within a municipality but they are protected in the state. You can use 10-80 to kill rats within a city but you can't use it to kill a coyote that is killing your sheep.

Senator Mohar said what you are referring to is if a species gets the "need of protection" status. The only time that the Department can move to protect wildlife under this bill is if one is already in the need of management status, or the legislature acts to put that species on the need of management list. He asked Jim Flynn if that was correct.

Mr. Flynn said that is correct.

Senator Mohar said the only way they could go in that need of management status would be to have a majority of the Legislature's approval.

Mr. Flynn said they would have to go before the legislature.

Senator Smith questioned who makes the decision what species of animals should be protected and what species should not. The ranchers putting up with the problem species or the people in whatever walk of life. He wonders how much longer agriculture will have much say in the state legislature. With this bill there may come a time when we won't be able to kill a rattlesnake or a prairie dog on our own ranch.

Senator Lee presented to the committee some amendments and a statement of intent to this bill which he thinks cleans up the bill. Everyone has been in favor of the amendments. Of course, the farm groups want to kill the bill. What the amendments do is to make it so the Fish and Game Commission will decide this and they will have a hearing for the public to attend and give their comments. He made a motion that the amendments and statement of intent be adopted. Senator Lee's amendments and statement of intent are attached as Exhibit 2.

Fish and Game Committee
March 22, 1983
Page Five

Senator Severson said basically your amendments are just approval by the Fish and Game Commission.

Senator Lee said he did not ask Mr. Flynn for approval of the amendments. If this bill does pass, there should be some means for the agriculture community to put some impact into the hearing. The Department would go to the Commission and the Commission would hold a hearing for all interested parties. They would still have to come to the legislature for approval. This would be one more vehicle for the agricultural groups to air concerns.

Senator Smith said his concern is not that the Fish and Game Department will declare the prairie dog a nongame species. What is happening in Wyoming today is if you poison a prairie dog and the ferret, a nongame species, eats it and dies then there are problems. We are not afraid of them declaring the prairie dog a nongame species, but of the nongame species eating a poisoned prairie dog and dieing and what the solution for controlling the prairie dog would then be.

Senator Lee said that is something you could bring up at the hearing.

Jo Brunner said you are overlooking a couple of things. Federal law says that anything that is not a game animal or not an endangered animal is a nongame species. Nongame species fall under management category. The federal law says that rodents can be considered manageable nongame. Concern of ours is you don't have to worry about changing status and nongame are manageable. She pointed out that federal law supersedes unless the state law so states.

Senator Mohar said he does not like ground squirrels and prairie dogs either and we are not trying to protect pests. There is a lot of discussion on state law and federal law. I was elected to write state law. He does not always agree with what federal people do but nothing is going to keep them from coming into Montana to protect what needs to be protected if the federal government has decided that. We are not encouraging that type of thing in this bill. What we want to do with this program is not to protect different animals but to study them. Some of the information from other states will help us to control some pest animals. We are trying to get more knowledge about animals. He thinks this bill helps agriculture and protects them.

Senator Smith said the fear in his mind is that this bill will open the door so that further down the line we could have many more species of nongame added to the list, the same as they have in Colorado at this time. He asked Janet Ellis to comment on that point of view.

Janet Ellis said this is a funding bill and does not protect anything at all. The only way you can protect an animal is through legislative approval. She can't say that down the road some animal

might be threatened and they may come to the legislature for approval to make that animal an endangered species. This bill is not a foot in the door, it is a funding bill. That is all it does.

Betsy Spettique pointed out to the committee that we can learn from the mistakes of the other states that have set up this program. If this bill were to pass we would have approximately 2 years to work to get something done before it comes up for a sunset review.

Senator Smith said this bill is in fact a copy of what other states are doing; are we also going to protect species as Colorado has done.

Janet Ellis said we would need legislative approval to do that. This program will go on whether this bill dies.

Senator Lee said he does not see any way this bill is anti-agriculture the way it is written right now.

Senator Severson asked Jim Flynn if the Department received donations for this program could the Department accept them.

Mr. Flynn said we could accept the donation but the chances of that money being used for this program is remote. To process say \$20.00 through the bureaucracy is very difficult.

Senator Smith said it could be handled just as any other program through the appropriation subcommittee and account for how the money is being spent.

Betsy Spettique said the advantage to this funding is that there is a continuity and people annually have an ability to donate out of their own pocket

Ken Knutson said the funds for this program will not be that much bigger than what they are funded now. Now they receive \$50,000 and they anticipate receiving \$80,000 from the check-off program. The ability that this program will cause harm to agriculture is rather remote. We are talking about a program that will try to seek out ways to make it popular.

Senator Smith said the people in agriculture have had some very bad experiences with the use of 10-80. We can't protect our own property. He appeared before an EPA hearing in Denver and some of the comments by the Audubon National Society and Friends of Animals made him realize they never even understood the problem that ranchers are having and that is the thing that scares him. He has never used a more selective poison than 10-80 and they have banned that. We used 10-80 on the ranch and we never found a dead animal other than a hound dog which was bought for chasing

Fish and Game Committee
March 22, 1983
Page Seven

coyotes.

Jo Brunner said we have a law on the books and this bill further implements that law by adding funding to bring that law into its fullest effect and that is our concern. What happens when it is financed further? That is the portion that is harmful to us.

Senator Mohar said we have had this program for 10 years and there hasn't been problems with it. Montana's agriculture is the number one industry and we are going to protect it.

Jo Brunner said it is not the endangered species that bother us. It is the management portion when you go to managing species.

A Roll Call Vote was taken on Senator Lee's motion to adopt his amendments and statement of intent. The motion passed with a vote of 4-2. See attached Roll Call Vote sheet.

Senator Mohar made a motion that we adopt the amendments submitted by the Department of Revenue. A copy of these amendments is attached as Exhibit 3. Their feeling was that the money to implement this program should come out of the program rather than the general fund.

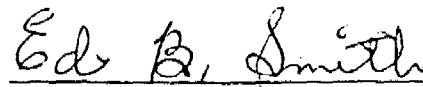
Senator Mohar's motion passed unanimously.

Senator Tveit does not support this bill. He sees it as driving another wedge between the sportsmen and the landowners. He feels it is a mandate we will not like down the road.

Senator Mohar made a motion that HB 377 be concurred in as

A Roll Call Vote was taken and is attached. The motion failed with a vote of 3-4. HB 377 was not concurred in.

ADJOURNMENT: There being no further business the meeting adjourned at 2:15 P.M.


ED B. SMITH

ROLL CALL

FISH & GAME

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 3-22-8

[illegible]

Each day attach to minutes.

STATEMENT OF INTENT
House Bill 377

A statement of intent is required of this bill because rulemaking authority is granted to the Fish and Game Commission in section 4 for the use of the nongame wildlife account and for the review and approval process for nongame wildlife management projects.

It is intended that the rules promulgated by the Commission would include adequate provisions for public notice and comment during the review and approval process.

Amendments to HB 377
(Third Reading Copy)

1. Title, line 10.

Following: "MONTANA;"

Insert: "TO PROVIDE FOR FISH AND GAME COMMISSION APPROVAL
OF THE USE OF SUCH FUNDS;"

2. Page 3, line 20.

Following: "department"

Insert: ", upon the approval of the commission as
determined under [section 4],

3. Page 5, line 3.

Following: line 2

Insert: "NEW SECTION. Section 4. Duties of commission.

(1) The commission shall review and approve annually the
nongame wildlife management projects recommended by the
department for funding from the nongame wildlife account.
The commission shall provide for public comment during
the review and approval process.

(2) The commission may adopt rules governing:

(a) the use of the nongame wildlife account set
forth in [section 2]; and

(b) the review and approval process set forth in
subsection (1)."

Renumber: subsequent sections

4. Page 5, line 4.

Strike: "49th"

Insert: "50th"

5. Page 5, line 8.

Strike: "Section"

Insert: "Sections"

Following: "2"

Strike: "is"

Insert: "and 4 are"

6. Page 5, line 10.

Strike: "section"

Insert: "sections"

Following: "2"

Insert: "and 4"

7. Page 5, line 17.

Strike: "July 1"

Insert: "December 31"

Amendments to House Bill 377

Page 3, Line 18

Following: "Account"

Insert: "Except as provided in subsection (4)"

Page 4, Line 5

Insert: "(4) The department of revenue may deduct from collections an amount not to exceed \$9,638.00 in fiscal year 1984 and \$6,238.00 in fiscal year 1985 for administering the voluntary checkoff program. The department is authorized to spend the amounts and hire necessary personnel."

STANDING COMMITTEE REPORT

March 22, 1983

MR. **PRESIDENT**

the Majority of
We/your committee on **FISH AND GAME**

having had under consideration **Statement of Intent, HOUSE** Bill No. **377**

FABREGA (SMITH)

Respectfully report as follows: That **Statement of Intent, HOUSE** Bill No. **377**
be adopted.

STATEMENT OF INTENT RE: HB 377

A statement of intent is required of this bill because rule-making authority is granted to the Fish and Game Commission in section 4 for the use of the nongame wildlife account and for the review and approval process for nongame wildlife management projects.

It is intended that the rules promulgated by the Commission would include adequate provisions for public notice and comment during the review and approval process.

SEVERSON

TVEIT

LANE

ED B. SMITH,

Chairman.

AC

STANDING COMMITTEE REPORT

MARCH 22,

19 83

PRESIDENT

MR.

the Majority of

We/your committee on

FISH AND GAME

having had under consideration

HOUSE

Bill No. 377

FABREGA (SMITH)

Respectfully report as follows: That

HOUSE

Bill No. 377

third reading, be amended as follows:

1. Title, line 10.

Following: "MONTANA;"

Insert: "TO PROVIDE FOR FISH AND GAME COMMISSION APPROVAL OF THE
USE OF SUCH FUNDS;"

2. Page 3, line 18.

Following: "account"

Insert: "except as provided in subsection (4)"

3. Page 3, line 20.

Following: "department"

Insert: ", upon the approval of the commission as determined under
[section 4],"

(cont.)

March 22, 1983

19

4. Page 4, line 6.

Following: line 5

Insert: "(4) The department of revenue may deduct from collections an amount not to exceed \$9,633 in fiscal year 1984 and \$6,238 in fiscal year 1985 for administering the voluntary checkoff program. The department is authorized to spend the amounts and hire necessary personnel."

5. Page 5, line 3.

Following: line 2

Insert: "NEW SECTION. Section 4. Duties of commission. (1) The commission shall review and approve annually the nongame wildlife management projects recommended by the department for funding from the nongame wildlife account. The commission shall provide for public comment during the review and approval process.

(2) The commission may adopt rules governing:

(a) the use of the nongame wildlife account set forth in [section 2]; and

(b) the review and approval process set forth in subsection (1)."

Renumber: subsequent sections

6. Page 5, line 4.

Strike: "49th"

Insert: "50th"

7. Page 5, line 3.

Strike: "Section"

Insert: "Sections"

Following: "2"

Strike: "is"

Insert: "and 4 are"

8. Page 5, line 10.

Strike: "section"

Insert: "sections"

Following: "2"

Insert: "and 4"

9. Page 5, line 17.

Strike: "July 1"

Insert: "December 31"

SEVERSON

TVEIT

LANE

And, as so amended,
BE NOT CONCURRED IN

HC

STANDING COMMITTEE REPORT

March 22,

19 83

MR. PRESIDENT

the Minority of

We your committee on FISH AND GAME

having had under consideration Statement of Intent, HOUSE Bill No. 377

FABREGA (MOHAR)

Respectfully report as follows: That Statement of Intent, HOUSE Bill No. 377

be adopted.

STATEMENT OF INTENT RE: HB 377

A statement of intent is required of this bill because rule-making authority is granted to the Fish and Game Commission in section 4 for the use of the nongame wildlife account and for the review and approval process for nongame wildlife management projects.

It is intended that the rules promulgated by the Commission would include adequate provisions for public notice and comment during the review and approval process.

MOHAR

LEE

JACOBSON

DO PASS

STANDING COMMITTEE REPORT

March 22, 1933

MR. PRESIDENT

the Minority of
We/your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 377

FABREGA (MONAR)

Respectfully report as follows: That HOUSE Bill No. 377

third reading, be amended as follows:

1. Title, line 10.

Following: "MONTANA;"

Insert: "TO PROVIDE FOR FISH AND GAME COMMISSION APPROVAL OF THE
USE OF SUCH FUNDS;"

2. Page 3, line 18.

Following: "account"

Insert: "except as provided in subsection (4)"

3. Page 3, line 20.

Following: "department"

Insert: ", upon the approval of the commission as determined under
[section 4],"

(cont.)

DO PASS

4. Page 4, line 6.

Following: line 5

Insert: "(4) The department of revenue may deduct from collections an amount not to exceed \$9,638 in fiscal year 1984 and \$6,238 in fiscal year 1985 for administering the voluntary checkoff program. The department is authorized to spend the amounts and hire necessary personnel."

5. Page 5, line 3.

Following: line 2

Insert: "NEW SECTION. Section 4. Duties of commission. (1) The commission shall review and approve annually the nongame wildlife management projects recommended by the department for funding from the nongame wildlife account. The commission shall provide for public comment during the review and approval process.

(2) The commission may adopt rules governing:

(a) the use of the nongame wildlife account set forth in [section 2] and

(b) the review and approval process set forth in subsection (1)."

Renumber: subsequent sections

6. Page 5, line 4.

Strike: "49th"

Insert: "50th"

7. Page 5, line 8.

Strike: "Section"

Insert: "Sections"

Following: "2"

Strike: "is"

Insert: "and 4 are"

8. Page 5, line 10.

Strike: "section"

Insert: "sections"

Following: "2"

Insert: "and 4"

9. Page 5, line 17.

Strike: "July 1"

Insert: "December 31"

MOHAR

LEE

JACOBSON

And, as so amended,
BE CONCURRED IN

SENATE COMMITTEE Fish & Game

Date March 22, 1983 Bill No. HB 377 Time 2:05 P.M.

NAME	YES	NO
Senator Severson	✓	
Senator Lee	✓	
Senator Tveit		✓
Senator Lane	✓	
Senator Mohar	✓	
Senator Jacobson	Absent	
Senator Smith		✓

Agnes Hamilton
Secretary

Senator Ed Smith
Chairman

Motion: To adopt the Statement of Intent and amendments presented
by Senator Lee.

The motion passed.

(include enough information on motion—put with yellow copy of committee report.)

SENATE COMMITTEE Fish & Game

Date March 22, 1983 Bill No. HB 377 Time 2:10 P.M.

NAME	YES	NO
Senator Severson		✓
Senator Lee	✓	
Senator Tveit		✓
Senator Lane		✓
Senator Mohar	✓	
Senator Jacobson	✓	
Senator Smith		✓

Agnes Hamilton
Secretary

Senator Ed Smith
Chairman

Motion: That HB 377 be concurred in as amended.

The motion failed.

(include enough information on motion—put with yellow copy of committee report.)

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 119, conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 50

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 106, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 50

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on HB 377

Report No. 1, April 9, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 377, met April 9, 1983, and considered the amendments of the following committees:

Senate Committee on Fish and Game (3/24/83)

Senate Committee on Fish and Game (3/25/83)

Senate Committee of the Whole (3/26/83)

We recommend that:

The House accede to all Senate amendments.

HB 377 be further amended as indicated in clerical instructions 1 through 3.

The reference copy of HB 377 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 377 be adopted.

Clerical Instructions:

1. Page 4, line 21.

Strike: "\$9,638"

Insert: "\$6,638"

2. Page 4, line 22.

Strike: "\$6,238"

Insert: "\$4,238"

3. Page 4, line 24.

Following: "PERSONNEL"

Insert: " , and shall provide an itemized accounting to the 49th legislature of the cost of administering the checkoff program during fiscal years 1984 and 1985"

For the Senate:

Senator Smith, Chairman
Senator Crippen
Senator Mohar

For the House:

Representative Ream, Chairman
Representative Fabrega
Representative Nilson

Free Conference Committee
on HB 873

Report No. 1, April 9, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 873, met April 9, 1983, and considered the amendments of the following committees:

Senate Committee on State Administration (3/12/83)

We recommend that:

The House accede to Standing Committee amendments 1 through 4 and 6.

The Senate recede from Standing Committee amendment 5.

HB 873 be further amended as indicated in the clerical instructions.

The reference copy of HB 873 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 873 be adopted.

Clerical Instructions:

1. Page 2, line 12.

Following: "shall"

April 9, 1983

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FREE CONFERENCE COMMITTEE
ON HOUSE BILL 377
(Report No. 1, 8:00 a.m.)

Mr. Speaker:

We, your Free Conference Committee on House Bill 377,
met and considered:

Senate Fish and Game Committee amendments of March 24, 1983;
Senate Fish and Game Committee amendment of March 25, 1983; and
Senate Committee of the Whole amendments of March 26, 1983.

We recommend as follows:

That the House accede to Senate amendments of March 24,
25 and 26;

That House Bill 377, Reference Copy (Salmon), be further
amended as specified in Clerical Instructions 1 through 3; and

That this Free Conference Committee report be adopted.

CLERICAL INSTRUCTIONS FOR REFERENCE COPY (SALMON)

1) Page 4, line 21

Strike: "\$9,638"

Insert: "\$6,638"

2) Page 4, line 22

Strike: "\$6,238"

Insert: "\$4,238"

3) Page 4, line 24

Following: "PERSONNEL"

Insert: ", and shall provide an itemized accounting to the
49th legislature of the cost of administering the checkoff
program during fiscal years 1984 and 1985"

FOR THE HOUSE

Robert R. Ream

REAM, CHAIR

U. J. Fabrega

FABREGA

Les Nilson

NILSON

FOR THE SENATE

Ed B. Smith

SMITH, CHAIR

Barry Crippen

CRIPPEN

John Mohar

MOHAR